91-57

NO.

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

IRENE B. WOFFORD,

Petitioner

Versus

DEPARTMENT OF PUBLIC SOCIAL SERVICES
COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA

Respondent

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE SECOND APPELLATE DISTRICT, FOURTH DIVISION STATE OF CALIFORNIA

PETITION FOR WRIT OF CERTIORARI

Irene B. Wofford
IN PROPRIA PERSONA
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QUESTIONS

DOES THE STATE OF CALIFORNIA HAVE THE CONSTITUTIONAL RIGHT TO:

1. Detain a minor as a Dependent Child of the Juvenile Court whose parents are not guilty of, nor are they charged with, child abuse and/or neglect, abandonment or wrongdoing of any kind?

2. Keep said minor a Dependent Child of the Juvenile Court, totally isolated from his parents and relatives by keeping his address and phone number confidential since his detention--even though his parents continually requested custody of their minor?

3. Detain a minor on a repealed law code which in no way resembles the new code now in effect?

INTERESTED PARTIES

RESPONDENTS:

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   (214) 736-2902

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3. **JUVENILE DEPENDENCY COURT OF THE COUNTY OF LOS ANGELES, IN THE STATE OF CALIFORNIA, ADMINISTRATIVE SECTION**
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PETITIONER:

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OPINIONS OF LOWER COURTS

On January 22, 1991, the Court of Appeal, Second Appellate District, Division Four, in the State of California affirmed the ruling of the Juvenile Court to keep minor John David Wofford (now 18 years old) as a Dependent Child of the Juvenile Court on 1987 WIC 300(a), which was in fact repealed on January 1, 1989. The Court of Appeal reasoned that "unchecked mischief" would ensue if repealed 1987 WIC 300(a) could no longer be applied.

On April 10, 1991, the Supreme Court of the State of California denied hearing the case.

JURISDICTION OF U.S. SUPREME COURT

The jurisdicion of the U.S. Supreme Court is invoked to review the judgment of the Court of Appeal, Second Appellate District, Division Four, State of California which was made on January 22, 1991. I am requesting the Supreme Court to review the case on the following grounds:

The State of California took permanent custody of minor John David Wofford from his parents, Donald and Irene B. Wofford. This is in violation of C.C. 7004, infra, 413; 91.

Custody was taken from the parents without clear and convincing evidence of child abuse and/or neglect, abandonment or wrongdoing of any kind. There was NO EVIDENCE of any kind of wrongdoing by the parents, who are not charged with abuse and/or neglect, or abandonment. This is in violation of the standard of "clear and convincing evidence" (28 C.3d 919, 920; C.C. 232(c).

The Supreme Court of the U.S. said: "A majority of the States have concluded that 'clear and convincing evidence' standard of proof strikes a fair balance between the rights of the natural parents and the State's legitimate concerns" Santosky v. Kramer (1982) 455 U.S. 745, 102 S.Ct. 1388, 71 L.Ed.2d 599; 102 S.Ct. 1402, 71 L.Ed.2d 617.

CONSTITUTIONAL RIGHTS VIOLATED

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

AMENDMENT V

No person shall be...deprived of life, liberty, or property, without due process of law....

AMENDMENT XIV

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I. STATEMENT OF THE CASE

Petitioner Irene B. Wofford, mother of minor John David Wofford, is petitioning the Supreme Court of the United States to review the order of the Court of Appeal, 2nd Appellate District, Division 4, of the State of California which was made on 1-22-91.

The Court of Appeal ruled that: "The Juvenile Court may consider the change in law, together with all of the merits of the case, in deciding whether to change its previous order.... The orders appealed from are affirmed". But the Juvenile Court did not reverse its orders. John David Wofford is still a Dependent Child of the Juvenile Court even though he is now 18 years old!

On April 10, 1991, the Supreme Court of the State of California denied hearing the case.

Petitioner also filed requests with the Juvenile Court in the County of Los Angeles in the State of California (hereinafter referred

to as the Juvenile Court) on 08-27-90, 11-19-90, 12-03-90, and the Court of Appeal on 11-29-90, 01-17-91, 01-23-91, 01-28-91, 02-19-91 and 03-04-91 for minor John David Wofford's records from the 1) Department of Children's Services, 2) Human Services Network, 3) Hoover High school, and the records of 4) Dr. Robert Parsons, Ph.D., Court-appointed mental health specialist who has no privileges and 5) Susan Moon (Ev.C 1017). The requests were denied by the Juvenile Court on 12-03-90, and by the Court of Appeal, Division Four, 2nd Appellate District of the State of California (hereinafter referred to as "Court of Appeal") on 03-04-91 and 03-11-91. Petitioner then requested the State of California Supreme Court to allow her to both view and copy her minor's records. On 04-24-91, the Supreme Court of the State of California denied appellant's Writ of Mandate to view and copy her minor son's records (Case number BO51249).

U.S.N.Y. 1982. Fundamental liberty interest of natural parents in care, custody and management of their child does not evaporate simply because they have...lost temporary custody of the child to the State. U.S.C.A.Const. Amends. 5, 14. Santosky v. Kramer, 102 S.Ct. 1388, 455 U.S. 745, 71 I.Ed.2d 599 on remand matter of John A.A., 453, N.Y.S.2d 942, 89 A.D.2d 738.

C.A.7(Ill.) 1985. Weighty parental interest in their child's well-being does not disappear merely because parents have temporarily lost custody of their child. Polovchak v. Meese, 774 F.2d 731.

All records documented in the Appendix were obtained by petitioner before the Juvenile Court ordered petitioner not to obtain more records concerning her son, minor John David Wofford. The records obtained by petitioner reflected child abuse and/or neglect of minor John David Wofford while under the care of the State of California as a Dependent Child of the Juvenile Court.

In order to avoid filing two Writs of Certiorari, I am including in this Writ a request for the U.S. Supreme Court to vacate

the orders denying the Writs of Mandate to the Court of Appeal and the Supreme Court of the State of California, both of which denied my husband's and my constitutional rights to both view and copy our son's, minor John David Wofford's, records listed on page 2.

All official and unofficial reports of opinions delivered in the case by all other courts and administrative agencies are thoroughly documented in the Index of this petition.

A. Constitution of the United States Protects Innocent Parents' Parental Rights

The Constitution of the United States offers protection of the rights of innocent parents who are citizens of the United States to retain custody of their minor children, to provide for, care for, and educate them.

The violation of my husband's and my Constitutional Rights, as parents, has continually been brought before the Juvenile

Court and before the Court of Appeal. Both courts chose not to address this important issue.

However, the State of California, through its Juvenile Court Judges in the County of Los Angeles, and the Department of Children's Services of the County of Los Angeles (hereinafter referred to as "the Department of Children's Services"), have violated my husband's and my Constitutional Rights (Amendments I, V and XIV)--thus depriving us of our rights, as parents, to have custody of, to rear, educate, nurture and care for our minor son, John David Wofford, since April 1987.

The Juvenile Court should have immediately returned custody of minor John David Wofford to his parents after <u>all</u> allegations of child abuse and neglect were dismissed in 1987.

1. Minor Detained by Juvenile Court After Charges Against Parents Dismissed

The Juvenile Court has detained minor John David Wofford, son of parents Donald and Irene B. Wofford, as a Dependent Child of the Juvenile Court on WIC 300(a) from July 21, 1987 to the present--even though all allegations of child abuse and/or neglect against my husband and me, John David Wofford's biological parents, were dismissed by both the County of Los Angeles Sheriff's Department Juvenile Investigations Bureau/ Child Abuse Detail; and by the Juvenile Court. All said allegations were dismissed on April 22, 1987 and July 21, 1987 respectively, after a thorough investigation.

B. Minor John David Wofford Detained by Court on REPEALED Law Code

The Welfare and Institutions Code 300(a) on which minor John David Wofford was detained on July 21, 1987 was **repealed**--totally changed and had become inoperative. The new WIC

300(a) became in full force and effect on January 1, 1989. However, the Juvenile Court has continued to detain minor John David Wofford as a Dependent Child of the Juvenile Court on REPEALED 1987 WIC 300(a) which has been inoperative for two and one-half years.

1. 1987 WIC 300(a) "Out of Control" Clause

The WIC 300(a) 1987 "out of control" clause under which minor John David Wofford has been held to the present did not allow the Juvenile Court to take permanent custody of a minor. The Juvenile Court stated that it was impossible to send minor John David Wofford home. If this was the case, he was "out of control" under the care of the Juvenile Court, otherwise, the Court could have ordered him to return home.

> Finding of dependency under West's Ann.Cal.Welf.&Inst. Code 300(a)...Parent-child relationship can be permanently severed only in cases of demonstrable extreme neglect (Cal.App.3Dist.1985. West's Ann.Cal.Civ.Code 232, 232(a)(2).

2. 1989 WIC 300(a) Involves Physical Abuse

The new 1989 WIC 300(a), which was totally rewritten by the legislature of the State of California and became in full force and effect on January 1, 1989, stated that minors could be detained by the State only if "physical abuse" was involved. This new code did not allow the State to temporarily detain minors who were "out of control". (All minors are temporarily "out of control" from time to time.)

John David Wofford should have been returned to his parents on July 21, 1987, when all charges of child abuse and/or neglect or wrongdoing of any kind were dismissed against his parents, Donald and Irene B. Wofford. However since the Juvenile Court did not release him to his parents in 1987 or in 1988, the Juvenile Court certainly should not have continued to detain minor John David Wofford on a repealed law after January 1, 1989.

Rather, he should have been immediately returned to the custody of his parents on January 1, 1989--the very day 1989 WIC 300(a) became in full force and effect. Neither should the Court of Appeal have affirmed the Juvenile Court's Order.

3. Attorney General Dismissed Cases After Law Changed

One example of dismissing cases after a new law was in force was set by the Attorney General of the State of California when he dismissed twelve cases which were pending in the State of California after the law changed as a result of Petris Bill SB1490. When SB1490 was signed into law in the State of California in August 1980, California's Attorney General understood the meaning of the new law. He immediately dismissed a lawsuit against the Worldwide Church of God which had been filed in 1979 by the Attorney General of the State of California (BO51249, p. 13). The Attorney General also dismissed numerous other

cases against religious organizations that were pending at the same time he dismissed the suit against the Worldwide Church of God. These included People v. Charles Dederich, et al. (Synanon); In the Faith Center, Inc., investigation; Maybee v. Randolph; Gateway Christian Cathedral-Venturella v. Kiggins; an investigation into the Old Time Faith Center, Lincoln Avenue Church of Christ; First Baptist Church of Van Nuys; Fellowship Ministries, Inc.; Church Universal and Triumphant, Inc.; Sierra Christian Service Corporation and Peterson v. Holt.

4. Other Examples of Following New Laws

President George Bush signed a new law into effect which "allowed Dr. Elizabeth Morgan to be freed immediately--even though she had been in jail for 25 months"...(Los Angeles Times, 10-24-89; Daily News, 9-26-89). "The California Supreme Court...opened the way for the potential release of scores of

mentally ill and previously violent offenders ...The justices, in brief order, let stand a state Court of Appeal ruling in Los Angeles last October striking down a new law that permitted involuntary hospitalization of such offenders" (Los Angeles Times, 2-3-89). As the law changes concerning the death penalty, it is a well-known fact that these new laws affect the prisoners on death row who had been convicted based on laws that do not now apply (BO51249, p.13).

5. Innocent Parents Not Permitted to Speak to or Visit Son for Over Four Years!

The Juvenile Court has not allowed my husband and me to communicate with our son, minor John David Wofford, by either visiting with him or by telephoning him since April 7, 1987. We were even denied any information whatsoever concerning John David Wofford's condition when he was near death in intensive care in the Huntington Memorial Hospital in

Pasadena, California due to an injury which required brain surgery. This life-threatening injury occurred after our son was ordered detained by the Juvenile Court and had been placed in the care of the Department of Children's Services.

When John David Wofford was in the hospital, near death, the Department of Children's Services even discussed changing our son's name in order to prevent my husband and me from obtaining any information about his condition while hospitalized. This extreme and outrageous conduct was inflicted upon my husband and me, as parents, by the Department of Children's Services with the full knowledge of the Juvenile Court. This outrageous conduct was brought before the Court of Appeal and the Supreme Court of the State of California.

According to published California Law, innocent parents (this would also apply to petitioner Irene B. Wofford and her husband,

Donald Wofford) are entitled to the custody and control of their minor children and to rear them free from state intrusion.

According to the Civil Code of the State of California,

> A Parent's Right to Custody, 1. #91 Parental Right. A parent is the natural guardian of the person of his child and is entitled to its custody and control (Summary of California Law, Ninth Edition, by B. E. Witkin, 1989, p.135).
>
> Cal.Ap. 2Dist. 1987. Parental rights to conceive and raise children are deemed essential, basic civil rights of man, rights far more precious than property, which should be accorded high degree of protection.--In re Lorenzo T., 235 Cal.Rptr. 680. 190 C.A.3d 888.
>
> Cal.App. 2Dist. 1984. ...Right of an individual to raise his or her own child free from unwarranted state intrusion remains a fundamental right.--Matter of Cheryl E., 207 Cal.Rptr.728, 161 C.A.3d 587.

Parenting, which is a fundamental right, can be disturbed only in extreme cases, according to California Case Law.

Parenting is a fundamental right which may be disturbed only in extreme cases of persons acting in a fashion incompatible with parenthood (In re Carmeleta B., 579, P.2d 514, 146 Cal.Rptr., 623, 21 C.3d 482).

Cal.App. 5 Dist.1984. Involuntary termination of parent-child relationship by state action must be viewed as a drastic remedy which should be resorted to only in extreme cases. West's Ann.Cal.Civ.Code 232. --In re Sonia G., 204 Cal.Rptr.498, 158 C.A.3d 18.

Cal.App.5 Dist. 1984. Involuntary terminating of parent-child relationship by state action must be viewed as drastic remedy which should be resorted to only in extreme instances of neglect or abandonment. West's Ann.Cal.Civ. Code 232--In re David C., 200 Cal.Rptr. 115, 152 C.A.3d 1989.

6. California Law States "Fit" Parents to Have Custody of Their Minors

Parents Donald and Irene B. Wofford are, and always have always been, "fit" parents who love their children and provided for all their needs. According to California law, it is policy of the State that "fit" parents are to have custody of their minors:

Cal.App. 1966. It is policy of state that child custody shall not be awarded to anyone other than parent unless there is finding of unfitness of parent. Marlow v. Wene, 49 Cal.Rptr. 881, 240 C.A.2d 670.

Cal.App. 1960. Where a parent applying for custody is in a position to take the child and is not shown to be unfit court may not award custody to strangers.... Application of Miller, 3 Cal.Rptr. 450, 179 C.A.2d 12.

Cal.App. 1966. The "parental preference" rule requires that custody of a minor child be awarded to a parent as against a stranger, unless parent is affirmatively found to be unfit. Moffitt v. Moffitt, 51 Cal.Rptr. 683, 242, C.A. 2d 580.

Cal.App. 1963. Custody of child may be awarded to non-parent only if parent is found to be unfit. West's Ann.Civ. Code, 197; West's Ann.Prob.Code, 1409, 1407. In re Guardianship of Clark, 32 Cal.Rptr. 448.

Cal.App. 166. In fight for custody of child between nonparents and a natural parent, the nonparents have the burden of proving the natural parent's unfitness. In re Miller, 53 Ca.Rptr. 211, 244 C.A.2d 454.

Cal.App. The burden on one claiming unfitness of a parent to have custody of child is a heavy one. In

re Smith's Guardianship, 306 P.2d 86, 147 C.A.2d 686.

Ca.App. 1966. Where parent applying for custody is in position to take child and is not shown to be unfit, court may not award custody to strangers merely because it feels that they may be more fit or that they may be more able to provide financial, educational, social, or other benefits. In re Miller, 53, Cal.Rptr. 211, 244 C.A.2d 454.

C. "No Contest" Plea Explained

My husband and I requested custody of our minors on July 21, 1987 (as we always have). However, when our request for custody of our minors was denied by the Juvenile Court, we then agreed not to contest the amended petition of July 21, 1987--after the Juvenile Court dismissed the allegations made against us by our teenage minors and offered to provide Family Reunification Services.

Our attorney in the Juvenile Court, Mr. John T. Tate, Jr., understood that we did not agree to give up custody of our minors when we pled "no contest" to the amended petition--

otherwise, he would not have filed a 388 petition in August 1988 petitioning for custody of the minors. The Juvenile Court also knew and understood that we did not agree to give up custody of our minors, otherwise the Minute Orders of 07-14-88, 09-20-88, 01-23-89 and 02-16-89 would not have shown that we were contesting the Permanent Planning Hearing. Also, the Department of Children's Services understood that we contested the Permanent Planning Hearing. "The minor's parents have consistently contested DCS's recommendation of permanent placement" (Children's Services Social Worker's Report of 10-26-89).

Our attorney, Mr. John T. Tate, Jr. and the Juvenile Court understood that we did not contest Family Reunification Services. Both understood that we did not agree to give up custody of our minors to any person, persons, agency, or agencies. Otherwise, the Court

would not have ordered Family Reunification Services.

The Juvenile Court, in its Minute Order of November 17, 1987 ordered the Department of Children's Services to provide "Family Reunification Services". The Children's Services Worker's Report for Judicial Review, which was filed on November 17, 1987, states on page 2 that the parents and minors are to go for counseling to a "facility that offers family reunification services".

My husband and I did not contest the dismissal of the allegations, nor did we contest Family Reunification Services. However, we have continuously contested everything else. The amended petition of July 21, 1987 states:

> There exists a family dysfunction of a severe nature due to the allegations made by the minors. Minors have special and unique problems. Further there exists a family dysfunction of a severe nature due to allegations made by minors. Due to these circumstances,

assistance of the Juvenile Court is required.

What appeared to be a "family dysfunction" in the Wofford family is, in reality, the mental illness of the minors. This so-called "family dysfunction" had not occurred in the Wofford family prior to the onset of the mental illness of the teenage minors whom we love very much.

After minor 14-year-old John David Wofford and his 16-year-old sister Irene Donna Wofford (who was two weeks from being 17 years old) ran away from home to live with their 23-year-old sister Sharon Wofford, Court-Appointed mental health specialist Dr. Michael Maloney reported on May 30, 1987 that Sharon Wofford had "significant elevations on three of the Clinical scales". These were Scales 4, 6 annd 8, which are, respectively, **"Psychopathic Deviate, Paranoia** and **Schizophrenia"**. Dr. Maloney stated that

Irene Donna Wofford "had one significant elevation on the Clinical scales. This was on Scale 6 (**Paranoia**). This would suggest a tendency to be overly suspicious and overly sensitive, and also a tendency to project blame for her problems onto other persons. Individuals with scores in this range area are often described as **misinterpreting reality** and may actually entertain some quite unrealistic thoughts or ideas" (emphasis added). Dr. Maloney stated that John David Wofford "does become emotional at times, and manifests some degree of **depression**. At these times, there are data to suggest that he becomes self-destructive or perhaps **suicidal**".

Dr. Maloney stated that petitioner Irene B. Wofford's "mental status does appear to be within normal limits. Her thought processes are intact. There is no suggestion of any impairment in realitity testing.... None of the Clinical scales were even mildly elevated". Concerning Donald G. Wofford,

petitioner's husband and father of John David Wofford, Irene Donna Wofford and Sharon Wofford, Dr. Maloney stated: "Mr. Donald Wofford is a man of high intelligence. None of the data suggest any significant disturbance".

1. Parents Agree to Family Reunification Services/ Counseling

On July 21, 1987, the date the Juvenile Court dismissed all allegations of child abuse and neglect against my husband and me, the Juvenile Court offered Family Reunification Services, which we agreed to.

We, John David's parents, agreed with the Order of the Juvenile Court to provide Family Reunification Services. However, the Department of Children's Services refused to provide these services and the Juvenile Court refused to enforce its orders.

Although parents Donald and Irene B. Wofford did request that the Juvenile Court

provide counseling, and as late as January 25, 1990 Karen Christensen, Deputy Counsel for the Petitioner (the Department of Children's Services) stated that "mother [Irene B. Wofford] is requesting conjoint therapy...", nevertheless, according to California law, the Court has no authority to order therapy for innocent parents. According to Summary of California Law, Ninth Edition by B. E. Witkin of the San Francisco Bar, Volume 10, 1989, (3) 101 Improper Orders:

> (c) Judge Cannot Order Therapy for Parent. The judge may in a proper case order a party to submit to a mental examination, but an order that the party undergo psychiatric therapy is unauthorized. (In re Marriage of Mathews, supra, 101 C.A.3d 817.)

Parents Donald and Irene B. Wofford are not mentally ill nor have they ever been involved with drugs or other harmful substances. Neither are they criminals. They are lawabiding citizens with no prior problems with the law until they were falsely accused

of child abuse and neglect by their minors (14-year-old John David Wofford and his 16-year-old sister Irene Donna Wofford) who told lies and/or delusions about them. Nevertheless, these innocent parents have always been willing to receive counsel and advice from mental health specialists on how to "care" for their mentally ill children--as County Counsel has stated; and, as the record shows they did prior to minor John David Wofford's running away from home with his older sister and lying and/or telling delusions about his innocent parents due to his mental illness which was diagnosed as Endogenous Depression of a delusional nature by a leading psychiatrist in the Los Angeles area who was Medical Director of an Acute Psychiatric Inpatient Hospital for five years.

My husband and I, as has been documented in the exhibits in my briefs, have requested custody of our minors continuously--we even offered to pay professionals to help us in our

home with our minors' illness (or, with any other need). After the onset of their mental illness, their entire personality and character changed. It is obvious that at this time in their lives we needed to obtain professional assistance--as any parent who has mentally ill minors would need help in caring for them.

2. Parents Did Not Agree to Give up Custody of Minors

On April 30, 1987, we asked our attorney, Mr. John T. Tate, who represented us in the Juvenile Court, to "Please present to the court the following request regarding the disposition of this case.

I. Permit Donna and David to return immediately to their home with a registered psychologist living there twenty-four hours a day with total responsibility for Donna and David.

II. Resume David's psychiatric care with his present family psychiatrist who will also provide whatever psychiatric care that Donna might

need. Present family psychiatrist and psychologist would provide any needed family counselling. Also, that Sharon be required to participate in psychiatric care.

III. That visual equipment be repaired and set up in the Wofford home as it was before it was illegally removed by Sharon and broken.

IV. That David's Credentialed Special Education Tutor be allowed to continue teaching him as before.

V. That Donna and David be immediately removed from the custody of Sharon Wofford and that Sharon be barred from seeing or talking to the children except by anointment and with their psychologist or psychiatrist present at all times. See the attached sheet for reasons and letters from doctors, teachers, grandparents, siblings, friends and neighbors.

The Juvenile Court Judge did not permit my husband and me to care for our minors, as we outlined above, but rather kept John David Wofford as a Dependent Child of the Juvenile Court.

> The state must bear a serious burden of justification before abridging parental autonomy by substituting its judgment for that of the

parents. U.S.C.A. Const. Amend. 14, 1.

On June 29, 1987, I wrote the following to Jackie Waltman, Court Investigator/Department of Children's Services:

> Jackie:
>
> We are not guilty of the allegations that we have been accused of by Sharon, Donna and David Wofford.
>
> We want custody of the minors Donna and David on July 2, 1987. However, if Donna and David do not want to live with us, their parents, we will make arrangements for them to live in a suitable situation elsewhere.
>
> We will try to help Donna and David achieve their wishes as to where they would like to live (and attend college and school) as long as it would be a situation where they would be well-cared for.
>
> Please communicate this information to Donna and David.
>
> Irene Wofford

D. Clear and Convincing Evidence Required to Take Custody

According to the Constitution of the United States, parents are not to be deprived

of their Constitutional rights to care for and rear their minor children unless the State proves by clear and convincing evidence that the parents have abused this right by abusing and/or neglecting their minors or abandoning them.

In the Wofford case, there was **no evidence** of child abuse and/or neglect, abandonment or wrongdoing whatsoever and all allegations of child abuse and neglect were dismissed by the Juvenile Court and by the Sheriff's Child Abuse Detail Investigation.

Santosky v. Kramer (Supreme Court of the United States, 1982. U.S. 102 S.Ct.1388, 71 L.Ed.2d 599) requires that prior to severing completely and irrevocably the rights of parents in their natural children, the State must support its allegations by "clear and convincing evidence". This has been upheld in the State of California as well as other states.

Case law in the State of California also affirms the fact that the State of California should not have taken custody of minor John David Wofford away from his parents.

> Cal.App. 1982...If disposition ordered at dispositional hearing is removal of child from parental custody, clear and convincing evidence is required standard of proof.... In re Bernadette C., 179 Cal.Rpr. 688 127 C.A. 3d 618.
>
> Cal.App. 1982. Standard of proof required to support a finding of detriment to child from dispositional order awarding custody of a dependent child to nonparent which would result in severance of parent-child relationship is clear and convincing evidence. In re Jamie M., 184 Cal.Rptr. 778, 34 C.A.3d 530.
>
> Cal.App. 5 Dist. 1986. Decision severing parental relationship must be based on clear and convincing evidence. In re Terry E. 25 Cal.Rptr. 803, 180 C.A.3d 932.
>
> Cal. 1983. Standard of proof in proceeding to terminate parental ties is clear and convincing evidence. West's Ann.Cal.Civ.Code 232(a)(7).

E. Requests to Juvenile Court Filed by Petitioner Irene B. Wofford (3-4-91)

On March 4, 1991, petitioner Irene B. Wofford filed a document requesting 1) that minor John David Wofford be ordered to call his parents, and that 2) certain false statements made by the Juvenile Court be stricken from the records of the Wofford files. The entire letter is now reproduced for the review of the United States Supreme Court:

March 4, 1991

Presiding Judge
Juvenile Dependency Court
Department 237
6280 Sylmar Avenue
Van Nuys, CA 91401

RE: REQUEST OF JUVENILE COURT:

1. Delete all false allegations it made on Minute Orders without proof.

2. Order minor John David Wofford, who ran away and reported lies and/or delusions, to call his parents.

Honorable Presiding Judge:

The Juvenile Court of the County of Los Angeles in the State of California has illegally detained minor John David Wofford as a Dependent Child of the Juvenile Court since 1987.

My husband and I are not guilty of, nor are we charged with, child abuse and/or neglect, abandonment or wrongdoing of any kind. Nevertheless, the Juvenile Court has not allowed my husband and me, the natural parents of minor John David Wofford, to speak to him in four years! It is as if the Juvenile Court and the Department of Children's Services kidnapped our son and hid him from his innocent parents!

Further, the Juvenile Court issued orders to the Department of Children's Services pertaining to John David Wofford which the Department of Children's Services did not carry out. Neither did the Juvenile Court bother to enforce its own orders. The orders which the Department of Children's Services disobeyed include (but are not limited to) the following:

1. Did not obey the Juvenile Court Order requiring the Wofford minors to visit their parents.

2. Moved minors several times without a Court hearing and without agreement of all parties concerned as stipulated by the Court.

3. Disobeyed the Court Order to provide the Wofford Family with Reunification Services.

4. Refused to take the minors for therapy to an organization which provided Family Reunification Services.

5. Deliberately took the minors to Pacific Clinics which does not provide Family Reunification Services.

6. Refused to give medical information about the minors to John T. Tate, Jr., Attorney representing parents in the Juvenile Court.

7. Refused to give any information whatsoever to parents or relatives concerning minors John David Wofford and his sister, Irene Donna Wofford.

The above-stated breaches of court orders have been brought to the attention of the Juvenile Court on numerous occasions, but the Court has chosen not to enforce its orders to the Department of Children's Services which is the arm of the Juvenile Court.

The Juvenile Court has also allowed minor John David Wofford to be extremely OUT OF CONTROL while a Dependent Child of the Court--even allowing him to participate in committing felonies! By not reprimanding John David Wofford for such illegal activities and not curbing further criminalistic acts, the Court has, in essence, assured the minor that he does <u>not</u> have to obey the laws of the State of California and of the United States of America.

The Juvenile Court, **WITHOUT ANY PROOF WHATSOEVER**, erroneously marked X's on its

Minute Orders beside the following **false** statements.

Minute Order of 7-21-87 FALSELY states:

1. "The Court finds: A prima facie case for detaining the minor and showing that minor is a person described by WIC 300 subdivision (a) is established".

2. "The Court finds: By clear and convincing evidence pursuant to WIC 361(b):

   a. Substantial danger to physical health of minor or minor suffering severe emotional damage and no reasonable means to protect without removal from parent's or guardian's physical custody.

   b. Reasonable efforts were made to prevent or eliminate need for minor's removal from home or it was reasonable under the circumstances not to make such efforts".

Minute Order of 04-19-90 FALSELY states:

1. "The Court finds by a preponderance of evidence:

   a. That continued jurisdiction is necessary because conditions exist which justify jurisdiction under WIC 300, WIC 364 (c).

   b. Return of minor to physical custody of the parent/guardian would create substantial risk of

detriment to the physical or emotional well-being of minor WIC 366.2 (e)".

2. "The Court finds that minor cannot be returned to the physical custody of parent/guardian, and that there exists no substantial probability that minor will be returned within six months WIC 366.2 (g)".

3. "The court finds reasonable efforts have been made to reunite minor(s) and parents and such efforts were unsuccessful".

Minute Order of 10-17-90 <u>FALSELY</u> states:

1. "The Court finds by a preponderance of evidence:

   a. That continued jurisdiction is necessary because conditions exist which justify jurisdiction under WIC 300, WIC 364 (c).

   b. Return of minor to physical custody of the parent/guardian would create substantial risk of detriment to the physical or emotional well-being of minor WIC 366 2(e)".

2. "The Court finds that minor cannot be returned to the physical custody of parent/guardian, and that there exists no substantial probability that minor will be returned within six months WIC 366.2 (g)"

3. "The court finds reasonable efforts have been made to reunite minor(s)

and parents and such efforts were unsuccessful".

The above **FALSE statements** (but not limited to the above) appeared on the July 21, 1987, April 19, 1990 and October 17, 1990 Minute Orders--**WITHOUT ANY PROOF WHATSOEVER** to back them up!

Our home is now and always has been a safe, caring and loving home in which our minors were treated with respect, dignity and care. We provided our minors with the best education possible. Each had his/her own bedroom and was provided with plenty of nutritional food. Our minors also had the best possible medical treatment. All of their needs were provided for in an exceptionally fine manner.

Our home has NEVER been a risk, detriment and/or danger to either the physical and/or emotional health or well-being of our minors. It is the Juvenile Court that has erred to the extreme by detaining John David Wofford and his sister on false charges **WITH NO PROOF WHATSOEVER**. Our home has never been either a risk, detriment and/or danger in any way to our minors--as we are falsely accused by the Juvenile Court in its Minute Orders. We have **denied** these false allegations in numerous documents that were filed with the Juvenile Court over the past several years. There is not now and there never has been any threat, danger, and/or detriment to our minors while in the care and home of their parents, Donald and Irene B. Wofford.

We thought that these false allegations had been totally dismissed on 7-21-87 because they did not appear again on any Minute Order until 4-19-90. However, we have always denied these allegations and the court had **NO PROOF WHATSOEVER to support its false allegations.** Furthermore, the court had no right to bring up these false allegations as the statute of limitations had already expired before 4-19-90. However, the Minute Orders of 4-19-90 and 10-17-90 are now on appeal.

As parents, my husband's and my Constitutional rights (including, but not limited to Amendments 1, 5 and 14) have been violated to the extreme by the Juvenile Court of the County of Los Angeles in the State of California, and by the Department of Children's Services of Los Angeles County. Santosky v. Kramer (U.S. 102 S.Ct.1388, 71 L.Ed.2d 599) prohibits the state from taking minors of innocent parents.

REQUEST OF THE JUVENILE COURT:

I am now respectfully requesting that the Juvenile Court issue a Court Order to minor John David Wofford instructing him to call his parents and talk to them. Our son should not be allowed to refuse to speak to his parents after running away from home and telling lies and/or delusions about them nearly four years ago.

I am also requesting the Juvenile Court to remove from ALL RECORDS all of the false allegations quoted above. Our home is not now nor was it ever a "danger" in any way to John David Wofford and his siblings! We were thoroughly investi-

gated by the authorities and it was proven and well-established that there was nothing in our home that was a risk, detriment and/or danger in any way whatsoever.

I am holding the Juvenile Court of the County of Los Angeles in the State of California and the Department of Children's Services responsible and liable for (but not limited to) any and all damages sustained by the Wofford family, which includes siblings John David, Irene Donna, Sharon, and parents Donald and Irene B. Wofford and other relatives. This would include damages resulting from any future problems that may arise due to the mishandling of the Wofford case by the Juvenile Court and the Department of Children's Services since John David Wofford and Irene Donna Wofford ran away from home on April 7, 1987.

Respectfully Submitted,

Irene B. Wofford

1. Rights of Parents Supercede Wishes of Child

A minor does not have the legal right to decide to run away from home, become and remain a Dependent Child of the Juvenile Court (Penal Code 272).

Cal.App. 6 Dist. 1989. Wishes of the child are not conclusive on the issue of the child's best interest

in determining whether to free child from custody and control of parents... In re Michael D., 256 Cal.Rptr. 884, 209 C.A.3d 122.

D.C.Ill. 1985. Parents' rights are superior over that of their minor child, particularly in matters involving education, religion, and nurture generally. Polovchak v. Landon, 614 F.Supp. 900.

Cal.App. 1980. Court was not bound to decide child custody issue according to preference of children. In re Marriage of Hopson, 158 Cal.Rptr. 343, 110 C.A.3d 884.

Cal.App. 1961. It is not mandatory that court consider preference of child in determining custody question. West's Ann.Civ.Code, 138.

Even though John David Wofford "reportedly" did not want to speak to his parents, he should not have been permitted to not speak to his parents for four years--after falsely reporting lies and/or delusions about his innocent parents to the authorities (Refer to Briefs and Exhibits and/or Index).

John David Wofford ran away from home on April 7, 1987 after his 23-year-old alcoholic and unemployed sister, Sharon Wofford,

persuaded him and his 16-year-old sister, Irene Donna Wofford, to run away and live with her so they could apply for and receive SSI (a type of welfare money) because the minors are legally blind. (Sharon Wofford was then both unemployed and unable to work.)

Soon after the minors ran away from home, Sharon Wofford, Court-appointed "caretaker" of the minors, brought John David Wofford back to his parents' home on four separate occasions and robbed them of an estimated $40,000 worth of personal possessions. John David Wofford was a Dependent Child of the Juvenile Court when this felony was committed by him and his sister/Court-appointed caretaker, Sharon Wofford, and by her numerous male friends who accompanied her. (This crime was committed under the watchful eyes of the Crescenta Valley Sheriffs!)

According to California case law quoted above, the Juvenile Court is not obligated to consider the wishes of a minor concerning his

custody and control. However, the Juvenile Court disregarded petitioner Irene B. Wofford's request to order minor John David Wofford to call his parents.

2. Juvenile Court Omits "Danger/ Detriment" Statements

Even though we had continually requested the removal of the risk/detriment clause since 1987, finally on March 6, 1991, the Juvenile Court's Minute Order did omit the part which stated: "The Court finds that return of the child to the physical custody of the parents ...would create a substantial risk or detriment to the physical or emotional well-being of the Child"...WIC 366.21(E).

As mentioned before, the Juvenile Court had no proof whatsoever that it was a risk or detriment to the minors to be returned to their home, and this was never even discussed in court. The Court did decide, however, that "continued jurisdiction is necessary because conditions exist which justify jurisdiction

under WIC 300, WIC 364(c) and the Court ordered that child [was] to remain a dependent of the court under WIC 300, subdivision A"--even though the minor was an 18-year-old adult when this Court Order was issued on March 6, 1991.

> WIC 364(c) After hearing any evidence presented by the probation officer, the parent, the guardian, or the minor, the court shall determine whether continued supervision is necessary. The court shall terminate its jurisdiction unless the probation department establishes by a preponderance of evidence that the conditions shall exist which would justify initial assumption of jurisdiction under Section 300, or that such conditions are likely to exist if supervision is withdrawn. Failure of the parent or guardian to participate regularly in any court ordered treatment program shall constitute prima facie evidence that the conditions which justified initial assumption of jurisdiction still exist and that continued supervision is necessary.

As stated on page 7 of this Petition to the Supreme Court of the United States, the Juvenile Court detained minor John David

Wofford on a "repealed" law code (1987 WIC 300(a)--after January 1, 1989 when new WIC 300(a) became in full force and effect. So if conditions still exist which required the Juvenile Court to keep an 18-year-old adult (John David Wofford) as a Dependent Child of the Juvenile court, the Juvenile Court is, in effect, saying that John David Wofford is/has been "out of control" under the care of the Juvenile Court since 1987. Also, the Juvenile Court does not have the authority to order innocent parents who are not charged with child abuse and/or neglect, abandonment or wrongdoing of any kind, who are not mentally ill, who are not criminals nor drug abusers (and who are not accused of such crimes) to be treated by a mental health specialist (Refer to Summary of California Law, Ninth Edition by B. E. Witkin of the San Francisco Bar, Volume 10, 1989, (3) 101 (c) Improper Orders).

F. Tragic and Unstable Life of Minor John David Wofford While Under Court-Ordered Care of Department of Children's Services

According to Court records, John David Wofford has had nine different addresses in the last four years and has been hospitalized numerous times due to life-threatening and/or severe accidents and/or neglect while in the care of the State of California. The following was documented by John David Wofford's mother, Irene B. Wofford, from medical records she obtained before the Juvenile Court order which prevents her from securing any more records.

JOHN DAVID WOFFORD

Condition With DCS

Continued abuse since April '87
Was bruised on arms
Is continually neglected
Walked through glass window
Fell off a building
Medical needs neglected
Had glass in knee 3 weeks
Danger of going totally blind
Eye surgery against medical advice
Totally stopped psychiatric care
Life-threatening situations

Forced legally blind minor to cross a busy boulevard
Hit by car and thrown 20' in air
Hospitalized due to abuse and neglect
Multiple broken bones
Fractured hip
Fractured right humerus
Knocked unconscious
Concussion
Head trauma
Blood clot on brain
Chest trauma
Abdomenal trauma
Multiple bruises
Multiple contusions
Multiple abrasions
Avulsion
Sharp pain at cranium incision
Frequent fever up to 102.4
Frequent severe dizziness
Frequent lightheadedness
Almost constant headaches
Pain in right leg when walking
Failed in school
Truant on many occasions
Committed felonies
Committed misdemeanors
Disobeyed Court Orders
Refuses to eat 50% of meals
30 pounds underweight
Sometimes slept on floor
Uprooted and moved frequently
Only speaks to one relative
Forced not to speak to relatives
Combative

Condition With Parents

No abuse whatsoever since birth
Was not bruised
Was never neglected
Did not walk through glass

Did not fall off a building
Medical needs never neglected
No glass ever embedded in body
No danger of going totally blind
No previous eye surgery
Under psychiatric care
No life-threatening situations
Did not permit legally blind minor to
cross busy streets
Never hit by a car
Always well cared for
No broken bones
No fractured hip
No fractured right humerus
Conscious at all times
No concussion
No head trauma
No blood clot on brain
No chest trauma
No abdomenal trauma
No bruises
No contusions
No abrasions
No avulsion
No pain in cranium
Was in good health
Did not experience dizziness
Did not experience lightheadedness
Did not experience headaches
No pain from walking
No pain in right shoulder
Made good grades
Not truant in school
Did not commit felonies
Did not commit misdemeanors
Obeyed the law
Ate his food
Weight adequate
Always had a bed to sleep on
Had stable environment
Spoke to all his relatives
Encouraged to be friendly
Not combative

II. CONCLUSION

I am respectfully requesting the Supreme Court of the United States to:

1. Rule that the Constitutional Rights of parents Donald and Irene B. Wofford to retain custody of their teenage minor son, John David Wofford, have been violated by the State of California which took custody from us--even though we were not accused by the Juvenile Court (or any other agency or agencies) of child abuse and/or neglect, abandonment or wrongdoing of any kind. We repeatedly contested the State's taking and retaining custody of our teenage minor son, John David Wofford, and certainly have always been both willing and able to care for him and provide for him in every way.

2. Vacate the Appellate and Juvenile Court orders to detain minor John David Wofford on repealed WIC 300(a). (After the law changed on January 1, 1989, it was illegal

to continue to detain the minor on a repealed, non-existent law which was totally removed from the Welfare and Institution Code 300(a) of the State of California.)

3. Vacate the Juvenile Court and Appellate Court Orders which do not allow us, minor John David Woffo d's innocent parents, to both view and copy all of our minor's records. (See page 2 of this Writ for list of records.)

Respectfully Submitted,

IRENE B. WOFFORD

REASONS FOR REVIEW

The State of California has violated the Constitutional Rights of my husband and me, as parents. The Court of Appeal, 2nd Appellate District, Division Four in the State of California and the Juvenile Court of the County of Los Angeles in the State of California:

1. Violated my husband's and my Constitutional Rights by illegally detaining minors of parents who are not guilty of, nor are we charged with, any crime of child abuse, neglect or wrongdoing whatsoever.

2. Violated my husband's and my Constitutional Rights by not allowing us to continue to be responsible for educating our minors. The State of California severely hampered and

neglected minor John David Wofford's education since April 1987.

3. Violated my husband's and my Constitutional Rights by not allowing us to continue to provide the very best medical help possible for our minors and by refusing to heed the expert medical advice of John David Wofford's doctors while he was in our care. Such unconscionable neglect and disregard of professional medical advice has caused minor John David Wofford irreparable harm and damage for the remainder of his life!

4. Violated my husband's and my Constitutional Rights by grossly neglecting our minors and by placing them in life-threatening situations in the "care" of extremely negligent "caretakers". Such violations of our Constitutional Rights have resulted in

extremely cruel and unjustifiable punishment to both us and our minors.

5. Violated my husband's and my Constitutional Rights by detaining our minors and placing minor John David Wofford in circumstances where he was forced to endure "institutionalized abuse" to the extreme. He was placed with "caretakers" who forced this legally blind boy to cross a 45 mph busy boulevard where there are no marked crosswalks, stop signs or traffic lights, which resulted in his being struck by a car and critically injured in a near-fatal traffic accident.

6. Violated my husband's and my Constitutional Rights by detaining and moving our minors from place to place without our knowledge or approval, and refusing to allow us or other relatives

to know either our minors' addresses or even their telephone numbers! Even as minor John David Wofford lay hospitalized after the near-fatal traffic accident which required brain surgery, his telephone was removed from his room lest he "contact his family whom he is forbidden to see".

7. Violated my husband's and my Constitutional Rights as parents by keeping us separated from our minors--as if they had been kidnapped by the Juvenile Court of the State of California--and then refusing to provide us, the minors' biological parents, with Family Reunification Services.

8. Violated my husband's and my Constitutional Right to both know and provide the necessary medical treatment, education, etc. of our minors. The Juvenile

Court of the State of California permitted the Department of Children's Services to refuse to give us information regarding our minors, except on one occasion, and even that information was inaccurate. They refused to give us any information whatsoever regarding their medical treatment, etc.

9. Violated my husband's and my First Amendment Right to rear our minors in the religion of our choice.

10. Violated my husband's and my Constitutional Rights by irreparably damaging our occupational and every other phase of our family life by not returning custody of the minors to their parents immediately.

11. Violated my husband's and my Constitutional Right to be secure in our

home, persons and property. The Crescenta Valley Sheriffs came to our home where the officers watched as our 23-year-old daughter Sharon Wofford and her new boyfriend Jack (alias "Jack the Ripper") Ruttan committed a felony. They brought our minors, who were Dependent Children of the Juvenile Court, and robbed us of over $40,000 worth of personal property while we protested vigorously. This was brought to the attention of the Juvenile Court and the Court did nothing about it! The Court told our attorney in the Juvenile Court, Mr. John T. Tate, Jr., that he did NOT want to hear about the minors accompanying their Court-appointed "caretaker"/alcoholic sister, Sharon Wofford, to rob their parents.

12. Violated my husband's and my Constitutional Rights by allowing and/or

condoning the searching and seizing of our possessions.

13. Violated my husband's and my Constitutional Rights to domestic tranquility, to justice and equal protection of the law.

14. Violated all of the Constitutional Rights of innocent parents Donald and Irene B. Wofford to rear our minor children without continuous government interference (including, but not limited to the above).

APPENDIX

DOCUMENTS FILED IN LOWER COURTS/RULINGS/AUTHORITIES

04-07-87 COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT COMPLAINT REPORT: 487-01091-1262-173.

04-08-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT PETITION: Petitioner is informed and believes and therefore alleges that the above-named persons(s), Irene Wofford, et al [John David Wofford] hereinafter called minor(s), reside(s) at 4559 Belita Lane, La Canada, CA 91011 and come(s) within the provisions of Section 300, Subdivision A,D, of the Welfare and Institutions Code of California, in that: at and in the County of Los Angeles.

Paragraph I Subdivision A: Said minor(s) has/have no parent and/or guardian capable of and actually excising proper and effective parental care and control and is/are in need of such care and control, in that: minors normally reside in the home of their parents, and:

Count I: On numerous occasions minors' parents have endangered minors physical health and safety by failing to obtain needed medical attention in a timely manner.

Count II: On an ongoing basis minors' parents have inflicted numerous bruises and injuries on minor John's body. Such punishment was excessive and caused said minor unreasonable pain and suffering.

Count III: On an ongoing basis minors' home is found to be in a filthy, unsanitary, and unhealthy

condition. Such condition included stacks of dirty dishes and an infestation of insects.

Count IV: Minor's parents have established a home environment that is detrimental to minors' physical and emotional health and safety. Detrimental factors include, but are not limited to, overt rejection by parents, and continuous verbal and physical harassment by parents.

Paragraph II Subdivision D: The home of said minors is an unfit place for said minors by reason of the neglect, cruelty, physical and emotional abuse by parents, John and Irene Wofford, for the following reasons: The facts as set forth in paragraph I above are hereby incorporated and made part hereof.

04-09-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Court finds notice has been given as required by law. Parties advised of constitutional rights per WIC 316. Waived. Notice of rights pursuant to WIC 389 is served. Court finds there is no conflict of interest between minor and petitioner and that the interests of minor will be represented by County Counsel. Counsel is appointed to represent parents, per WIC 317 as indicated above. Reading of petition is waived. Parents deny the petition. A prima facie case for detaining the minor and showing that minor is a person described by WIC 300, subdivision AD, is established. There is a substantial danger to the physical/emotional

heath of the minor. No reasonable means exist to protect the minor without removal from the parents/ guardians' physical custody. Reasonable efforts have been made to prevent or eliminate the need for removal of the minor from his or her home and make it possible to return the minor to his or her home. Minors detained in home of adult sister, Sharon Wofford. Appearance calender of 04-30-87 in Dept. 233 8:30 a.m. preadjudication. DCS to arrange SSI payments for caretaker of minors. Parents to turn over SSI payments. Parties not to discuss allegations of petition with minor. Visitation for parents to be monitored by CSD/neutral monitor approved by DCS in a neutral setting. Adult sister to bring minors over the age of five years to

next court hearing. All parties present to return to court for next hearing without further notice, order or subpoena. Parents to turn over personal belongings to adult sister.

04-22-87 COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT; (STATE OF CALIFORNIA) JUVENILE INVESTIGATIONS BUREAU/CHILD ABUSE DETAIL:

Case Inactive. Case Cleared.

BY: Detective J.
Godwin #033438
487-01091-1262-173 (Old)
487-01091-1262-059 (New)

04-30-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT CHILDREN'S SERVICES WORKER'S REPORT: It is respectfully recommended that the petition filed on behalf of the

minors Irene and John be declared a dependent child of the court under section 300, Subdivisions A & D of the Juvenile Court Law. That the custody of the minors Irene and John be taken from the parents and guardians and the minors be committed to the care, custody and control of the Department of Children's Services for suitable placement, as detailed in the Juvenile Court's dependency disposition minute order form. That minors Irene and John remain as placed under the supervision of the Department of Children's Services. That the Court Order the Department of Children's Services to provide Family Reunification Services for minors Irene and John. That visits to the minors Irene and John be at DCS discretion. Monitored visits by

parents as arranged by DCS. That minors and minors parents be ordered to participate in a program of counseling as approved by DCS. That pursuant to Sec. 49077 ED.C minor's school records be disclosed to DCS. Other recommendation: Minors Irene and John, minors parents and adult sister, Sharon Wofford, receive psychological evaluations....

04-30-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Proceedings re 300AD.... Counsel is appointed to represent parents per WIC 317 as indicated above. DCS to advise Dr. John Mahan of monitoring order. Sharon Wofford to cooperate in arranging visits for minors with parents. Visits are to be Wednesday nites 6 to 7 p.m.

Minor to be transported by D.C.S. Minors remain detained in home of sister Sharon Wofford. The matter is continued to 7-2-87 Dept 237. PRC receipt of 730 evaluation. Parties present that counsel if relieved Holloway upon expiration of time of filing notice of appeal. All parties present to return without further order, notice or subpoena. All prior orders remain in full force and effect. Dr. John Mahan, school psychologist, is approved by the court as a monitor for minors and parents visits in a neutral setting. Dr. Michael Maloney is appointed to do a 730 evaluation for minors with sister Sharon and parents.

07-02-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS

ANGELES JUVENILE COURT'S MINUTE ORDER: Court finds investigator (DCS) and minors to be present on 7-8-87. Counsel Lee Albert seek appointment on behalf of minors approved by Judge Corral and is so appointed. Prior orders remain in effect. Minors detained in home of sister. Matter is continued to 07-08-87 for detention. 20 units. All parties present to return without further order, notice or subpoena. To file points and authorities with Judge Williams at least 5 days prior to ADJ.

07-08-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Court finds notice has been given as required by law. Minors detained in home of sister.

Appearance calendar of 7-21-87, 3:00 p.m. 237 for detention. Prior orders remain in effect.

07-21-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT **[AMENDED] PETITION**.

Petitioner is informed and believes and therefore alleges that the above-named person(s)...[Irene Wofford/John David Wofford] hereinafter called minor(s), reside(s) at 4559 Belita Lane, La Canada, CA 91011, and come(s) within the provisions of section 300, Subdivision A, of the Welfare and Institutions Code of California, in that: at and in the County of Los Angeles.

Paragraph I Subdivision A: said minor(s) has/have no parent and/or

guardian capable of and actually exercising proper an effective parental care and control and is/are in need of such care and control, in that: minors normally reside in the home of their parents, and:

Count I: Minors have special and unique problems. Further there exists a family dysfunction of a severe nature due to allegations made by minors. Due to these circumstances, assistance of the Juvenile Court is required.

07-21-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Proceedings re 300 AD petition filed 4-8-87. Petition is amended by interlineation as reflected on its face. Reading of petition is not waived and petition

is read. Parents plead no contest to petition as amended. Parties waive time for disposition, request immediate disposition and stipulate that the Preadjudication Social Study be received in evidence as a Disposition Social Study. The Court having read and considered the Social Study, said study is admitted into evidence by reference.
The Court finds 300 petition as to paragraph I-A is true and sustained; paragraph II-D is dismissed without prejudice. Minors, each, a person described by WIC 300, subdivision A. It would be detrimental for the minor to remain in parents/ guardians' custody. There is substantial danger to the physical/emotional health of the minor. No reasonable means exist to protect the minor without removal

from the parents/guardians' physical custody. Reasonable efforts have been made to prevent or eliminate the need for removal of the minor from his or her home and make it impossible to return the minor to his or her home. Parties informed of WIC 366.25.

Minors, each, a dependent child of the Juvenile Court under WIC 300, subdivision A. Custody of minor be taken from the parents/guardians and that the minor be placed in the care, custody and control of the Department of Public Social Services for Suitable Placement. DPSS is authorized to provide minor with medical, surgical, dental or remedial care per WIC 309 and 900.914. County will pay costs in connection with the placement or

transportation of minor. Minors, each, be suitably placed, under the supervision of DPSS. Adult sister and minors to receive individual counseling weekly; parents to receive individual counseling every two weeks; minors and parents to participate in family counseling at direction of therapist. Adult sister/parents/minors shall participate in counseling as directed by DPSS. Visitation/ monitoring in the discretion of DPSS. Parents with minors as arranged by DCS. DPSS to provide Family Reunification Services. Appearance calendar of 11-17-87, Dept. 237 for Judicial review. Non-appearance calendar of

9-18-87, Dept. 237 for progress report re visits/ counseling/misc.

The court finds a prima facie case for detaining the minor and showing that minor is a person described by WIC 300, subdiv[illegible]on(s) A. PURSUANT TO THE...PETITION AS AMENDED. The Court finds by clear and convincing evidence pursuant to WIC 361(b) (1) Substantial danger to physical health of minor or minor suffering severe emotional damage and no reasonable means to protect without removal from parent's or guardian's physical custody. Reasonable efforts were made to prevent or eliminate need for minor's removal from home or it was reasonable under the circumstances not to make such efforts. The Court finds that the present placement plan is appropriate and orders that the matter be set for hearing prior to any change of placement

unless...agreed upon by all parties....

07-21-87 **MICHAEL P. MALONEY, Ph.D., COURT-APPOINTED PSYCHOLOGIST'S CONFIDENTIAL EVALUATION** of the Wofford family--minors John David Wofford, Irene Donna Wofford (Superior Court Case No: J972868), and parents Donald and Irene B. Wofford and adult 23-year-old daughter, Sharon Wofford, Court Appointed "caretaker" of the minors: Appellant **Irene B. Wofford's "mental status does appear to be within normal limits. Her thought processes are intact. There is no suggestion of any impairment in reality testing.... None of the Clinical scales were even mildly elevated".** Concerning **Donald G. Wofford,** Dr. Maloney stated: "Mr.

Donald Wofford is a man of high intelligence. None of the data suggest any significant disturbance." Dr. Michael Maloney reported that **Sharon Wofford** (Court-appointed "caretaker" of the minors) had "significant elevations on three of the Clinical scales. These were Scales 4, 6 and 8, which are, respectively, **Psychopathic Deviate, Paranoia** and **Schizophrenia.** ...A number of these persons would be considered to have **psychotic-like problems.** Psychological test data, again...suggest some potentially serious, underlying psychological problems." Concerning **Irene Donna Wofford**, Dr. Maloney stated that "she had one significant elevation on the Clinical scales. This was on Scale 6 **(Paranoia)**.... This would suggest a tendency to be overly

suspicious and overly sensitive, and also a tendency to project blame for her problem onto other persons. Individuals with scores in this range area often described as misinterpreting reality and may actually entertain some quite unrealistic thoughts or ideas." Concerning John David Wofford, Dr. Maloney stated: "Historical data suggest that he does become emotional at times, and manifests some degree of depression. At these times, there are data to suggest that he becomes self-destructive or perhaps suicidal."

11-17-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT CHILDREN'S SERVICES WORKER'S REPORT: It is respectfully recommended that minors

John and Irene remain dependent child[ren] of the Court under Section 300, Subdivision A of the Juvenile Court law. That the previous order of suitable placement dated 7-21-87 as to minors John and Irene remain in full force and effect. That the Court order DCS to provide Family Reunification Services for minors John and Irene. Facility that offers Family Reunification Services. That visits to the minors Irene and John be at DCS' discretion; Monitored visits for Irene and John to be monitored by: to be decided when the minors wish to have visits. That parents and minors be ordered to participate in a program of counseling as approved by DCS. That such counseling be with facility that offers Family Reunification

Services. Parents to be involved in the therapy when the therapist and minors wish to have them integrated into the sessions. That minors' school records be disclosed to DCS upon request pursuant to education Code Section 49077. That the matter be continued to the appearance calendar of 5-17-88 for Permanency Planning Hearing and report from the Department of Children's Services. The recommendation is for continued suitable placement in the home of the adult sister Sharon Wofford, address to remain confidential.

11-17-87 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Report received from DPSS. Court finds notice has been given as required by law. Court has read and

considered the report and recommendations offered by DPSS and said report is admitted into evidence by reference. The Court finds conditions still exist which would justify initial assumption of jurisdiction under Section 300 WIC. Return of minor(s) to the physical custody of the parents/guardians would create a substantial risk of detriment to the physical/emotional well-being of the minor(s). Court adjudges that the best interests of the minors require the following orders: Minors is continued as a dependent child of the Court under WIC 300, subdivision A. Suitable placement order of 7-21-87 as to each is to remain in full force and effect. Minor(s) is to remain as placed under the supervision of DPSS. Parents and minors shall

participate in counseling [which] may include conjoint counseling as directed by DPSS/CDA. Visitation for parents with minors to be monitored by DPSS' therapist. DPSS to provide Family Reunification Services. Appearance calendar of 5-17-88 in Dept. 237 for Permanency Planning.

05-17-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT CHILDREN'S SERVICES WORKER'S REPORT: Recommendation: It is respectfully recommended that jurisdiction over the minor Irene be terminated. It is respectfully recommended that minor John remain a dependent child of the Court under Section 300, Subdivision A. That the previous order of suitable placement dated 7-

21-87 as to minor John remain in full force and effect. That the Court order DCS to provide Permanent Placement Services for minor John. That visits to minor John be at DCS' discretion. Monitored visits for John to be monitored by: to be decided when the minors wish to have visits. That parents and minor be ordered to participate in a program of counseling as approved by DCS... That minor's school records be disclosed to DCS upon request pursuant to education code section 49077. That minor John be ordered to long term foster care. That the matter be continued to the appearance calendar of November 17, 1988 for Judicial Review. (It was not known how much of this was true and how much was not true). [Editor's Note: Previous sentence is

referring to minors' original false allegations against parents].

05-17-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: The Court report received from DCS. The Court orders minors [are]... continued as dependent child of the Court under WIC 300, Subdivisions A and all prior orders, order for suitable placement dated 7-21-87. The following parties present are ordered to appear without further order, notice or subpoena. Cause minors to be present on 7-17-88. Cause CSW to be on call for hearing set 7-14-88. Appearance calendar of 7-14-88 in Dept. 237 for Permanency Planning Hearing/C. Unit estimate 12.

07-14-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: DCS shall transport minors to court 9-9-88. The Court orders minors is continued as dependent child[ren] of the Court under WIC 300, Subdivision A, Suitable placement dated 7-21-87, to remain in full force and effect including all terms and conditions thereof. Cause CSW to be on call for hearing set 9-20-88. Appearance calendar of 9-20-88 in Dept. 237 for Permanent Planning Hearing/C. Unit estimate 8.

08-08-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: 388 Request by John T. Tate, Jr. (Attorney for parents) to terminate jurisdiction

of court of minor John David Wofford.

08-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Court denied Attorney John T. Tate's 388 petition to return custody of minor John David Wofford to his parents, Donald and Irene B. Wofford, stating it was not in the best interest of the minor.

08-17-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant Irene B. Wofford filed letter written to Huntington Memorial Hospital doctors authorizing needed brain surgery for minor John David Wofford due to a near-fatal accident

while in the care of the State of California.

08-23-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant Irene B. Wofford's filed declaration: "All Allegations Against Parents False".

08-23-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant Irene B. Wofford filed "Letters of Support From Doctors, Friends, Relatives, Neighbors".

09-09-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant Irene B. Wofford's filed statement

regarding Department of Children's Services Defying Court Orders.

09-09-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Department of Children's Services Cruel Policy filed by appellant.

09-20-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Parents are not to put minors under surveillance. Parents are not to try to obtain independent information about minors either from treating therapist or medical physician. DCS shall notify mother's counsel if a medical problem occurs with minors. Minor is continued as a dependent child of the Court under WIC 300. Sub-

divisions A, to remain full force and effect including all terms and conditions thereof. Parties present are ordered to appear without further order, notice or subpoena at 9:00 a.m. on 12-8 in Dept. 237. Cause CSW to be on call for hearing set 12-8-88. Appearance calendar of 12-8-88 in Dept. 237 for Permanent Planning Hearing/C. **Unit Estimate 20.**

11-18-88 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Appellant Irene B. Wofford appealed Case No. J972868 to the Court of Appeal of the State of California. Appellant stated: "I...am appealing the Minute Order made on 9-20-88 in which it was stated that "Parents are not to try to obtain independent

information about minors either from treating therapist or medical physician"...We have proof that the minors (especially David) have been in one abusive circumstance after the other since being detained by the Department of Children's Services on April 7, 1987.....This is why DCS requested on September 20, 1988 that we not be allowed to get independent information regarding our minors' health. DCS does not want us to know about the abuse of our minors while under their "care"....

11-20-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant filed request for disqualification of minor's attorney.

12-08-88 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT's MINUTE ORDER: File at Appeals Desk. Matter is before the Court for Permanency Planning. Mother continued per telephonic communication with counsel only plus who did not clear this date with Deputy County Counsel: Karen Christenson. The Court orders minor is continued as a dependent child of the Court under WIC 300, Subdivision A. To remain in full force and effect including all terms and conditions thereof. All prior orders remain in full force and effect. Appearance calendar of 1-23-89 for Permanent Planning Hearing.

1987 WIC 300(a) was repealed, according to West's California Legislative Service, 1987, p. 676, Ch. 1485 which states, "SEC. 3. Section 300 of the Welfare and Institutions Code is REPEALED" (emphasis added). The new WIC 300(a) did not, however, become effective until January 1, 1989.

1989 WIC 300(a) is ENTIRELY DIFFERENT FROM

1987 WIC 300(a):

Following is the 1989 WIC 300(a) code:

(a) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted nonaccidentally upon the minor by the minor's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the minor or the minor's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury. (West's California Codes, Penal Code 1991

Compact Edition, pp. 1420-1421, 1989, 1991) -- Provisions in California law for temporary emergency caretakers was legislative intent in order to save state money.

01-23-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Matter is before the Court for Permanency Planning. Court finds notice of proceedings has been given as required by law. All prior orders remain in full force and effect. Minor each is continued as a dependent child of the Court under WIC 300, Subdivision A. Order for suitable placement dated 7-21-87 to remain in full force and effect including all terms and conditions thereof. The matter is continued appearance calendar of 2-16-89 in Dept. 237 for Permanent Planning Hearing/C.

02-16-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant Irene B. Wofford's filed declaration with requesting "Emancipation of Irene Donna Wofford."

2-16-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Court finds notice of proceedings has been given as required by law. Counsel is appointed pursuant to WIC 317 to present Minor #2. DCS is ordered to prepare a supplemental report as to Minor #2 for 4-25-89. The Court orders minor #2...continued as a dependent child of the Court under WIC 300, Subdivision A. To remain in full force and effect including all terms and conditions thereof.

Jurisdiction terminated as to minor #1 subject to further proceedings in financial responsibility pursuant to WIC 903. No outstanding warrants found in review of case file as to #1. Cause minors five years of age and over to present in court on 4-25-89, Minor #2. The matter is continued appearance calendar of 4-25-89 in Dept. 237 for Permanent Planning Hearing. Unit estimate 20. Permanent Planning Hearing/CONTEST.

03-20-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant Irene B. Wofford's filed declaration with requesting "Emancipation of John David Wofford".

04-25-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS

ANGELES JUVENILE COURT'S MINUTE ORDER: Court finds notice of proceedings has been given as required by law. This matter is being heard in the Court of Appeals, pending the outcome of said hearing, all prior orders remain in full force and effect. The Court orders minor John...continued a dependent child of the Court under WIC 300, Subdivisions A, to remain in full force and effect including all terms and conditions thereof dated 7-21-87. Appearance calendar of 10-24-89 in Dept. 237 for Permanent Planning Hearing.

06-16-89 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: BO38588 -- Appellant Irene B. Wofford filed opening brief.

08-18-89 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: B038588 -- Respondent Los Angeles County Department of Children's Services filed Respondent's Brief.

08-23-89 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: B038588 -- Appellant Irene B. Wofford filed Appellant's Reply Brief.

10-26-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT CHILDREN'S SERVICES WORKER'S REPORT: It is respectfully recommended that minor John remain a Dependent Child of the Court under section 300, Subdivision A of the Juvenile Court Law. That the previous order of suitable

placement dated 7-21-87 as to minor John remain in full force and effect. That the Court order DCS to provide Permanent Placement Services of minor John. That visits to the minor John be at DCS' discretion; monitored visits for John to be monitored by: to be decided when the minor wishes to have visits. That parents and minor be ordered to participate in a program of counseling as approved by DCS. That minor's school records be disclosed to DCS upon request pursuant to Education Code Section 49077. That minor John be ordered to long term foster care. That the matter be continued to the appearance calendar date of 4-26-90 for Judicial Review.

10-24-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS

ANGELES JUVENILE COURT'S MINUTE ORDER: Matter is before the Court for Permanency Panning Hearing WIC 366.25 RE: WIC 300 Petition filed 4-8-87. Court finds notice of proceedings have been given as required by law. Court finds report received from DCS. The Court orders minor...continued as a dependent child of the Court under WIC 300, Subdivision A. Order for Suitable Placement dated 7-21-87 to remaining in full force and effect. All prior orders remaining full force and effect. Minor to remain in therapy. DCS to furnish report on outcome of minor's personal injury lawsuit. The matter is continued appearance calendar of 1-25-90 in Dept. 237 for Judicial review.

11-17-89 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: COURT OF APPEAL FILED DECISION in BO38588: 1) "Insofar as this appeal relates to the minor Irene W. (Wofford), it is dismissed as moot. The remainder of the juvenile court's judgment (order) of September 20, 1988, is affirmed".

11-20-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant Irene B. Wofford's 388 request to Juvenile Court for custody of minor John David Wofford.

11-27-89 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Appellant Irene B. Wofford requests

Reconsideration of Case BO38588. Minor held on inoperative WIC 300(a).

11-29-89 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Appellant's Petition for Reconsideration-Rehearing of BO38558 is denied.

12-13-89 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Appellant Irene B. Wofford appealed Minute Order of 10-24-89 from Dependency Court to Court of Appeal of State of California requesting custody of minor John David Wofford.

12-15-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: Appellant Irene B. Wofford's 388 request to Juvenile Court for custody of minor John David Wofford.

12-27-89 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Juvenile Court denied Irene B. Wofford's request to regain custody of teenage minor John David Wofford. Petition is denied in the best interest of the minor.

01-09-90 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Appellant Irene B. Wofford appealed denial of 388's filed with Juvenile Court on December 15, 1989 and November 20,

1989 respectively. Both 388's were denied on December 27, 1989.

01-23-90 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: APPELLANT IRENE B. WOFFORD'S DECLARATION FILED WITH JUVENILE COURT: "It is illegal to continue to detain John David Wofford as a Dependent Child of the Juvenile Court."

01-25-90 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Court finds notice of proceedings have been given as required by law. Counsel is appointed pursuant to WIC 317 to represent minor. Court orders DCS to provide a supplemental report addressing minor's progress in

school and a report from the minor's therapist on conjoint counseling whether or not it would be appropriate. The Court orders minor...continued as a dependent child of the Court under WIC 300 A. Suitable placement dated 7-21-87. All pending orders remain in full force and effect. Give notice of proceedings to following persons for next hearing to all appropriate parties. The matter is continued appearance calendar of 4-19-90 in Dept. 237 for judicial review. Case pending appeal hearing judicial review trails.

04-19-90 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Court finds notice of proceedings has been given as

required by law. Court orders that the subpoenaed documents are now quashed, Attorney G. Mooney retained all of those subpoenaed documents. Court orders that Attorney G. Mooney will not only represent the minor on all dependency matters but also on any personal injury matters. The continued jurisdiction is necessary because conditions exist which justify jurisdiction under WIC 300 WIC 364(c), Return of minor to the physical custody of the parent/ guardian would create a substantial risk of detriment to the physical or emotional well-being of minor. WIC 366.2(e). The court finds that the minor cannot be returned to the physical custody of parent/ guardian, and that there exists no substantial probability that minor will be returned within six months.

WIC 366.2(g). The Court finds reasonable efforts have been made to reunite minor and parents and such efforts were unsuccessful. Minor is referred to long-term foster care. The Court orders minor...continued as a dependent child of the Court under WIC 300, Subdivision A. Order for suitable placement dated 7-21-87 to remain in full force and effect including all terms and conditions thereof. Further terms and conditions set forth on JDRV/RPPH Page 2. The matter is continued appearance calendar of 10-17-90 in Dept 237 for Review of Permanent Plan.

School Districts to release to DCS pupil records for minor as defined by Education Code 49077. The Court orders DCS to provide to minor and

parents or guardians permanent placement services. Court orders parents-minors to participate in a program of counseling as directed by DCS. The court orders visitation for minor shall be for parents with minor's consent. Minutes entered 4-19-90, Page 2 of 2.

06-14-90 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Appellant Irene B. Wofford appealed Minute Order of April 19, 1990 with Court of Appeal of the State of California, Second Appellate District. Appellant asked Court of Appeal to vacate Minute Order of April 19, 1990, to make it null and void, and of no effect.

06-18-90 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: BO47534 -- Appellant Irene B. Wofford filed Opening Brief with Court of Appeal Second Appellate District, State of California, Division Four, requesting custody of minor John David Wofford.

08-27-90 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: J972868: Irene B. Wofford requested Superior Court of California, County of Los Angeles Juvenile Court: "i have the legal/Constitutional right to both view and copy all of DCS' records regarding minor John David Wofford-- Juvenile Case J972868. I am requesting to view and copy the following DCS' records, including,

but not limited to DCS' File 20 from 3-6-89 to the present. I am also requesting to view and copy all of John David Wofford's records from Human Services Network.

09-05-90 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Respondent County Counsel for County of Los Angeles filed Reply Brief to Appellant's Opening Brief regarding Case No. BO47534.

10-10-90 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: B047534 -- Appellant Irene B. Wofford filed Reply Brief with Court of Appeal, Second Appellate District, State of California, District Four.

10-17-90 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT CHILDREN'S SERVICES SOCIAL WORKER'S REPORT: It is respectfully recommended that minor John remain a Dependent Child of the Court under Section 300, Subdivision A of the Juvenile Court law. That the previous order of suitable placement dated 07-21-87 as to minor John remain in full force and effect. That the Court order DCS to provide Permanent Placement Services for minor John. That visits to the minor John be at DCS' discretion; monitored visits for John to be monitored by: to be decided when the minor wishes to have visits. That parents and minor be ordered to participate in a program of counseling as approved by DCS. That minor's school records be

disclosed to DCS upon request pursuant to education Code Section 49077. That minor John be ordered to long term foster care. Additional recommendations: Progress report from minor's attorney on minor's personal injury claim, attorney is Lee Albert. That the matter be continued to the appearance calendar of 3-6-90 for Judicial Review.

10-17-90 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE ORDER: Court finds notice of proceeding has been given as required by law. The Court having read and considered DCS' report of 10-17-90, said report is admitted into evidence by reference to the case. Judicial Review. The Court

finds by a preponderance of the evidence: That continued jurisdiction is necessary because conditions exist which justify jurisdiction under WIC 300, WIC 364(c). Return of minor to the physical custody of the parent/guardian would create substantial risk of detriment to the physical or emotional well-being of minor WIC 366.2(e). The Court finds that minor cannot be returned to the physical custody of parent/guardian, and that there exists substantial probability that minor will not be returned within six months WIC 355.2(g). The Court finds reasonable efforts have been made to reunite minor and parents and such efforts were unsuccessful. Minor remains in long-term foster care. The Court finds minor's current

placement is appropriate. The permanent plan ordered continues to be appropriate. Compliance with the permanent plan and case plan. Services provided minor are adequate. The Court orders minor... continued as a dependent child of the Court under WIC 300 Subdivision A to remain in full force and effect including all terms and conditions thereof. The matter is continued appearance calender of 3-6-91 in Dept. 237 for review of Permanent Plan.

P. 2 of 2. School Districts to release to DCS pupil records for minor as defined by Education Code 49077. The Court orders DCS...to provide to minor and parents or guardians permanent planning services. Court orders parents and

minor to participate in a program of counseling as directed by DCS. The Court orders visitation for minor John shall be at DCS' discretion. Monitored visits with DCS' approval, monitored, upon minor's consent. Court orders that minors' school records are not to be released to the minor's parents.

11-13-90 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: BO51249: Appellant Irene B. Wofford filed Opening Brief with Court of Appeal, Second Appellate District, State of California, Division Three. Appellant requested that Court of Appeal rule that custody should not have been taken from John David Wofford's parents. This should be done even at this late date in the

case as a matter of teaching the Juvenile Court not to detain minors who have not been abused and/or neglected. Unless this is done, the Juvenile Court will continue to take non-abused minors and permit them to become abused within the system.

11-19-90 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT: J972868: Appelland filed request with Juvenile Court: "I am requesting all records concerning John David Wofford from June 15, 1988 till October 2, 1990 from Human Services Network. Human Services Network informed me that they have these records, but that a Court Order is necessary in order to obtain them. I am respectfully requesting the Presiding Judge to give a Court

Order so I can obtain the records from HSN. We as parents have the Constitutional Right to these records. Human Services Network said they will give the records to me with a Court Order. We are not legally accused of child abuse and/or neglect nor are we guilty of such.

11-29-90 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Appellant Irene B. Wofford appealed Minute Order of October 17, 1990, to obtain school records, appealed to have all false statements removed from all Minute Orders and court documents.

12-03-90 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S MINUTE

ORDER: J972868: Irene B. Wofford requested of Juvenile Court: "I am requesting to both view and copy all records of Dr. Robert John Parsons who is employed at Pacific Clinics. Also all records of Susan Moon or any other mental health specialist who treated John David Wofford. Dates of records to be obtained begin on April 7, 1987 up to and including the present date. Dr. Parsons, as a Court-appointed mental health specialist has no legal right whatsoever to refuse to give these records to my husband and me. In fact, it is in violation of EV.C. 171 since there are NO PRIVILEGES for such a refusal. My husband and I, as parents, have the legal right to obtain these records. PRESIDING JUDGE OF JUVENILE COURT'S REPLY: "Denied w/o prejudice".

01-17-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Appellant filed motion to obtain minor's school records.

01-22-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Court of Appeal ruled that: The right to appeal a juvenile court adjudication is entirely statutory. (In re T.M. (1988) 206 Cal.App.3d 314, 316.) The governing provision in dependency cases is section 395, which provides in pertinent part that "[a] judgment in a proceeding under Section 300 may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment; . . . A

judgment or subsequent order entered by a referee shall become appealable whenever proceedings pursuant to Section 252, 253, or 254 have become completed or, if proceedings pursuant to Section 252, 253 or 254 are not initiated, when the time for initiating the proceedings has expired."

A. Appealability

The July 21, 1987 order declaring John to be a dependent ward and removing him from the custody of his parents was made by a judge of the superior court, and is an appealable order. (See In re Corey (1964) 230 Cal.App.2d 813, 820 [appeal from order made under section 778, from which section 388 is derived, is appealable]; cf. In re Timothy N. (1975) 48 Cal.App.3d 862, 867; cf.

249 [removal order of referee not yet approved by judge is not appealable].) Consequently, subsequent orders, including those from which review is sought in the instant proceeding, are appealable.

B. The October 24, 1989 Order

As we have seen, this order simply maintained previous orders in full force and effect, directed that the minors remain in therapy, and set a further hearing at which DCS was ordered to provide a status report on the appeal then before us, and on a pending civil suit for personal injuries (apparently brought on behalf of the minor). In her attachments to the "appeal" filed with the trial court, and on appeal, appellant attacks the original wardship determination, argues that

the court refused to enforce its order that DCS arrange family reunification service, argues that the permanency planning hearing should not be held, and provides an unauthenticated list of maladies and symptoms which she claims John is suffering as a ward and which did not afflict him when he was with his parents. But petitioner submitted to the original dependency adjudication by her "no contest" plea to the section 300 petition, and she cannot now be heard to attack the original validity of the ensuing order. That order of October 24 maintained all other orders then in effect. The only thing that it added was a direction to DCS to provide a status report about the outcome of the appeal and personal injury matters, then

pending. No cognizable basis of judicial error is presented with respect to the order. Finding no error, we shall affirm the order.

C. The Order Denying the November 20, 1989 Section 388 Petition

Section 388 authorizes "[a]ny parent . . . having an interest in a child who is a dependent child of the juvenile court . . . upon grounds of change of circumstance or new evidence, [to petition] the court . . . for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court." The petition must be verified and "set forth in concise language any change of circumstance or new evidence which are alleged to require such

change of order or termination of jurisdiction."

If it appears that the best interests of the child may be promoted by the proposed change or order of termination of jurisdiction, the court is to order a hearing and cause notice to be given.

Section 388 is derived from a more general provision, section 778. It has been held that in reviewing a petition under section 778, "the trial court must necessarily consider the matters which formed the basis of the order previously made in order to ascertain whether there has been a 'change of circumstance' or 'new evidence' warranting a change, modification or

setting aside of such previous order." (In re Corey, supra, 230 Cal.App.2d at p. 831.)

While the burden of establishing the basis for a wardship is initially on the party seeking that order (the DCS in this case), once the order is made, the burden of showing that there is a changed circumstance or new evidentiary matter warranting a modification is with the parent or other person seeking that change. (See In re B.G. (1974) 11 Cal.3d 679, 691; In re Francisco (1971) 16 App.3d 310, 314.) "[T]he modification or termination of an order previously made by a juvenile court rests within its discretion, and its order of granting or refusing an application for modification or termination may not be disturbed

unless there has been an abuse of discretion." (In re Corey, supra, 230 Cal.App.2d at p. 832.)

Appellant's November 20, 1989 petition asserted that DCS disobeyed court orders in the following respects: failure to obey parental visitation orders; moving the minors without a court hearing and agreement "of all parties concerned"; disobedience of the order for family reunification services; refusal to take the minors to an organization that provides such services and, instead, taking them to one that did not; and refusal to give medical information to the parents, their attorney, or to relatives.

The only documents presented to support these allegations are copies of court minute orders directing visitation, child reunification services, therapy and counseling, and a letter to DCS from the "Director of Adult Services" of Pacific Clinics. In that letter, the author states that the clinic does not offer family reunification services "per se," and that a discussion with appellant "turned up no specific individual issues she should work on or that she wanted to work on," a prerequisite to the clinic's taking patients in appellant's geographic area. (Emphasis in original.)

This is an insufficient showing of disobedience by DCS of court orders. But even if it were sufficient, the

remedy for such disobedience would be an appropriate enforcement order, such as an order for sanctions. Absent a showing that the best interest of the child warranted a change in the order for visitation, reunification services, therapy and counseling, the court would have no basis to change its order, much less to terminate the entire dependency proceeding, as appellant asked it to do.

Such termination appears to be the objective of appellant's petition. In it she asked for custody of John, claimed that he is being illegally detained by DCS, and, without supporting declarations, denied that he has been abused and neglected while in the care of DCS.

D. The Order Denying the December 15, 1989 Section 388 Petition

In her second section 388 petition, appellant again argued that DCS had no right to detain John as against the paramount rights of his parents. She also argued that John is eligible for welfare benefits as a legally blind person, and that "[i]t is public knowledge that the state places in Group Homes teenagers [sic] who are on probation and who have been on drugs," and that John's placement in such a facility would violate the rights of his parents. Appellant also attached a one-page, unauthenticated chart that apparently seeks to compare John's physical condition under DCS jurisdiction with his condition when he was with his parents. All of this was either previously argued

and rejected, was factually unsupported, or both.

One argument was presented, however, that had not been argued before: that "family dysfunction" is no longer a basis for a determination of dependency. This argument is substantially amplified in appellant's opening brief. The argument is, in essence, that section 300, subdivision (a) was amended and that the present version of the statute does not cover the situation that had been presented to the court.

The new version, which became operative on January 1, 1989 (Stats. 1987, ch. 1485, 4) requires a showing of substantial risk that "the minor will suffer serious

physical harm inflicted non-accidentally upon the minor by the minor's parent or guardian." [For entire 1989 300(a) section quoted by Court of Appeal, refer to Appendix p.31].

Since the amended petition to which appellant and her husband entered a "no contest" plea contained no such allegations, she argues that the resulting detention order is no longer valid.

We do not agree. First, we examine the actual language of the statute. It provides that "Any minor who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court." It

speaks as to what the court may do in the future; it does not address the effectiveness of orders already made. It is, of course, a general maxim of statutory construction that statutory amendments are not retroactively applied to invalidate prior acts unless a legislative intent to effect such invalidation clearly appears. (See Inter-insurance Exchange v. Ohio Cas. Ins. Co. (1962) 58 Cal.2d 142, 149.) The statutory language in this case not only does not demonstrate an intent that the statute be retro- actively applied, its use of present tense language in the opening provision is inconsistent with that result.

The construction argued by appellant would result in unchecked mischief, as any number of section 300,

subdivision (a) wardship determinations, valid when made, would be undone because the pleading or proof did not satisfy the new standard. The problem is compounded by the successive changes that have been made to section 300. The present version was to expire on January 1, 1990, but was extended until the end of 1991, when still another version is to go into effect. (See States. 1987, ch. 1485, 4.5, and Stats. 1989, ch. 913, 3 and 4; see discussions in 2 California Juvenile Court Practice, 15.1 (CB, 1990 Supp.). We do agree that the statutory change presents a basis for a parent whose child was declared a dependent under the earlier version, to request a change of status under section 388. The juvenile court may consider the

change in law, together with all of the merits of the case, in deciding whether to change its previous order. Presumably, the juvenile court did so pursuant to appellant's petition, and determined that a change was not appropriate. There is no showing that it abused its discretion.

CONCLUSION

The orders appealed from are affirmed.

NOT FOR PUBLICATION IN THE OFFICIAL REPORTS.

EPSTEIN, J. We concur: GEORGE Acting P.J., GOERTZGEN, J.

01-23-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: LASC NO.

J972868; BO51249: Respondent County of Los Angeles' opposition to Appellant's motion to obtain minor's school records. Points and authorities in opposition to motion to obtain minor's school records.

01-28-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: LASC NO. J972868: Appellant's reply to Respondent's opposition to motion to obtain minor's school records.

01-28-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: BO51249; J972868: Respondent County of Los Angeles files motion to dismiss appeal.

02-07-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: BO51249: Appellant Irene B. Wofford filed response to respondent's motion dated 1-28-91. Requests Court of Appeal to deny Respondent's request to dismiss appeal.

02-19-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: J972868: Appellant Irene B. Wofford filed motion to view and copy minor's records.

02-22-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Respondent County of Los Angeles' request to extend the time for filing Respondent's Brief received by

Appellant. Request was dated 01-15-91.

02-25-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: B051249: Appellant Irene B. Wofford filed request to Court of Appeal to not accept Respondent's Response Brief due to six-weeks delay in receiving notice of request from Respondent.

03-01-91 IN THE SUPREME COURT OF THE STATE OF CALIFORNIA: BO47534: Appellant Irene B. Wofford petitions the Supreme Court to review decision by the Court of Appeal which was filed January 22, 1991.

03-04-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: BO51249:

Respondent County of Los Angeles requests Court of Appeal not to allow Irene B. Wofford (appellant/mother of John David Wofford) to view and copy minor's records.

03-04-91 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT J972868: Irene B. Wofford requests Juvenile Court: 1. Delete all false allegations it made on Minute Orders without proof. 2. Order minor John David Wofford, who ran away and reported lies and/or delusions, to call his parents.

03-06-91 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT'S CHILDREN'S SOCIAL WORKER'S REPORT: It is

respectfully recommended that jurisdiction over the minor John David Wofford be terminated. (As David refuses to see his parents, the parents have ceased to be part of the case plan).

03-06-91 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES JUVENILE COURT (MINUTE ORDER): No Legal File. Court finds notice of proceedings have been given as required by law. Court finds report received from DCS. Court finds by a preponderance of the evidence. 1. That continued jurisdiction is necessary because conditions exist which justify jurisdiction under WIC 300, WIC 364(c). The Court finds that Child cannot be returned to the physical custody of parents/guardians, and

that there exists no substantial probability that child will be returned within six months. Court finds that it is not likely that child can or will be adopted and orders DCS to initiate long-term Foster Care to Home-finding Agency. It is ordered child to remain a dependent of the court under WIC 300, subdivision A. Order for suitable placement dated 7-21-87 to remain in full force and effect including all terms and conditions thereof. Further terms and conditions set forth on Page 2. The matter is continued on motion [of] Child. Appearance calendar of 9-4-91 in Dept. 237. Review Permanent Planning.

P.2 of 2. The Court orders: DCS is ordered to provide to minor and

parents or guardians Permanent Placement Services. The court orders visitation for minor shall be at DCS' discretion with minor's consent. Terms and conditions set forth shall not be changed without prior approval of court. Court's order re disposition or review, future hearing dates, custody status or minor, warrant information and further orders of court are set forth on Page 1.

03-07-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: LASC NO. J972868: Ippellant Irene B. Wofford's reply to Respondent's opposition to motion to view and copy minor's records.

03-11-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: This court has read and considered the motion of Appellant Irene B. Wofford, filed in propria persona on January 17, 1991, to obtain a minor's school records, the opposition thereto, filed by the County of Los Angeles on January 23, 1991, and appellant's reply, filed on January 28, 1991. The motion is deemed to be a petition for writ of mandate. No good cause appearing, the petition is denied.

03-11-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Court of Appeal denied Appellant's motion re reverse Trial Court's denial of her request to view and copy records

relating to her child, who has been declared a Ward of the Court. The motion is deemed a petition for Writ of Mandate. No good cause appearing, the petition is denied.

03-15-91 IN THE SUPREME COURT OF THE STATE OF CALIFORNIA: Appellant Irene B. Wofford petitioned Supreme Court to reverse Writ of Mandate concerning minor's records.

03-20-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: COURT OF APPEAL DENIED APPELLANT'S MOTION. No good cause appearing, the petition filed in propria persona on March 11, 1991 by Appellant Irene B. Wofford is denied.

04-04-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: Respondent County of Los Angeles opposes mother/appellant Irene B. Wofford's motion to view and copy records of mior John David Wofford.

04-10-91 IN THE SUPREME COURT OF THE STATE OF CALIFORNIA: (SO19788)--THE SUPREME COURT DENIED APPELLANT'S REQUEST TO REVIEW CASE: On April 10, 1991, the Supreme Court of the State of California denied Appellant Irene B. Wofford's petition for review of Case No. J972868; CA2/4, No. B047534; (SO19788) regarding John David Wofford, A Person Coming Under the Juvenile Court Law, Los Angeles County Department of Public Social Services, Respondent.

04-17-91 IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR: BO51249: COURT OF APPEAL OF THE STATE OF CALIFORNIA DISMISSES APPELLANT'S APPEAL: Appellant contends in this appeal that the order of April 19, 1990, is illegal because her son was illegally detained pursuant to the pre-amendment version of Welfare and Institutions Code section 300, subdivision (a), on evidence which proves that she and her husband were not guilty of child abuse, neglect, or wrongdoing of any kind. Appellant is barred from raising this issue by the principles of res judicata and collateral estoppel in that this issue was decided against her in case No. BO47534.

Appellant further contends that the juvenile court falsely accused her and the minor's father of not participating in counseling. The argument asserted in support of this contention, however, reveals that appellant, in fact, has not participated in counseling, thereby demonstrating the total lack of merit to this contention.

Finally, appellant contends that since there was no evidence of child abuse, neglect or wrongdoing on the part of her or the minor's father, it was "not legal" for the trial court to deny the parents any information concerning their son, including information that he was hospitalized due to an accident. This court has rejected, in both of the prior appeals in this matter,

the claim upon which this argument is predicated, i.e., that the original order removing the minor from the custody of his parents was illegal or otherwise unsupported by sufficient evidence. Therefore, appellant is barred from raising this issue by the principles of res judicata and collateral estoppel.

For these reasons, it appears the motion to dismiss is well-taken.

Although appellate courts do not readily dismiss an appeal without a full briefing on the merits, a reviewing court may exercise its inherent power to summarily dismiss any appeal at an early stage where, as in this case, the parties' contentions are fully set forth in the opening brief of the appellant

and the motion to dismiss of the respondent, and it is apparent from the record that the appeal lacks merit....

Such a dismissal is appropriate in this case. Appellant has, by means of both appeals and motions filed in this court, repeatedly and frequently asserted that her son was illegally taken from her custody and placed in foster care in violation of her constitutional rights. This court has reviewed each such claim, including this appeal, and found each to lack merit. Given these facts, neither this court nor county counsel should be required to expend further resources in this matter. For the foregoing reasons, the appeal is dismissed.

04-24-91 IN THE SUPREME COURT OF THE STATE OF CALIFORNIA: Supreme Court denies appellant Irene B. Wofford's petition to obtain minor John David Wofford's records.

1992 WIC 300(a) code reads as follows:

(a) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted nonaccidentally upon the minor by the minor's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the minor or the minor's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury.

LIST OF UNITED STATES AND CALIFORNIA LAW CODES AND CASE LAW FILED IN LOWER COURTS BY IRENE B. WOFFORD:

WIC 300(a) 1987; WIC 300(a) January 1, 1989 new and totally re-written.

Petris Bill (SB1490). "When the Petris Bill (SB1490) was signed into law in the State of California in August 1980, California's Attorney General understood the meaning of the new law. He immediately dismissed a lawsuit against the Worldwide Church of God which had been filed in 1970 by the Attorney General of the State of California" (BO51249, p. 13). The Attorney General also dismissed numerous other cases pending at the same time he dismissed the suit against the Worldwide Church of God. These included People v. Charles Dederich, et al. (Synanon), In the Faith Center, Inc., investigation, Maybee v. Randolph, Gateway Christian Cathedral-Venturella v. Kiggins, an investigation into

the Old Time Faith Center, Lincoln Avenue Church of Christ, First Baptist Church of Van Nuys, Fellowship Ministries, Inc., Church Universal and Triumphant, Inc., Sierra Christian Service Corporation, Peterson v. Holt.

President George Bush signed a new law into effect which "allowed Dr. Elizabeth Morgan to be freed immediately--even though she had been in jail for 25 months"...(Los Angeles Times, 10-24-89; Daily News, 9-26-89). "The California Supreme Court...opened the way for the potential release of scores of mentally ill and previously violent offenders...The justices, in brief order, let stand a state Court of Appeal ruling in Los Angeles last October striking down a new law that permitted involuntary hospitalization of such offenders" (Los Angeles Times, 2-3-89). "As the law changes concerning the death penalty, it is a well-known fact that these new laws affect the

prisoners on death row who had been convicted based on laws that do not now apply" (BO51249, p.13).

> **Santosky v. Kramer (Supreme Court of the United States, 1982. U.S. 102 S.Ct.1388, 71 L.Ed.2d 599)** requires that prior to severing completely and irrevocably the rights of parents in their natural children, the State must support its allegations by **"clear and convincing evidence"**.
>
> "Parenting is a fundamental right which may be disturbed only in extreme cases of persons acting in a fashion incompatible with parenthood" (In re Carmeleta B., 579, P.2d 514, 146 Cal.Rptr., 623, 21 C.3d 482). "A parent is entitled to custody of a minor child over a stranger unless the parent is unfit" (In re Joaquin, 335 P.2d 507, 168 C.A.2d 99).
>
> "Finding of dependency under West's Ann.Cal.Welf.& Inst.Code 300(a), so as to warrant foster care, is not adequate basis for granting termination of parental rights on basis of neglect; parent-child relationship can be permanently severed only in cases of demonstrable extreme neglect" (Cal.App. 3 Dist. 1985. West's Ann.Cal.Civ.Code 232, 232(a) (2).--In re Christina P., 220 Cal.Rptr. 525, 175 C.A.3d 115).
>
> "All proceedings to terminate parental rights must include finding that placement with natural parent would be detrimental to child. (Cal.App. 5 Dist. 1984. West's Ann.Cal.Civ.Code 4600--In

re Mark K., 205 Cal.Rptr. 393, 159 C.A.3d 94).

Cal.App.4 Dist. 1985...County maintains burden of proving initially prepared fact by clear and convincing evidence. Matter of James B., 212 Cal.Rptr. 778, 166 C.A.3d 934.

Cal.App. 1981...In proceeding initiated by petition of State Department of Health for order declaring children free from parental custody and control, clear and convincing evidence sufficiently supported trial court's findings.... In re Joseph E. 177 Cal.Rptr. 546, 124 C.A.3d 653.

Cal.App. 5 Dist. 1984...Proceeding to terminate parental rights requires higher standard of proof than does usual civil action; standard of proof in such a proceeding is clear and convincing evidence. In re Mark K. 205 Cal.Rptr. 393, 159 C.A.3d 94.

Cal.App. 5 Dist. 1984. "Clear and convincing" evidence necessary to support termination of parental rights...In proceeding to have child declared free of parents' custody and control, trial court needed to find by clear and convincing proof that parents were unlikely in the future to provide proper care for and establish adequate parental relationship with their child .... In re David C., 200 Cal.Rptr. 115, 152 C.A.3d 1189.

Cal.App. 1982. Standard of proof required to support a finding of detriment to child from dispositional order awarding custody of a dependent child to parent which would result in

severance of parent-child relationship is clear and convincing evidence. In re Jamie M., 184 Cal.Rptr. 778, 34 C.A.3d 530.

Cal.App. 1 Dist. 1988. Clear and convincing evidence...supported order adjudging minor to be dependent child of the court and removing minor from custody of parents. In re Katrina L., 247 Cal.Rptr. 754, 200 C.A.3d 1288.

Cal.App. 1982....If disposition ordered at depositional hearing is removal of child from parental custody, clear and convincing evidence is required standard of proof.... In re Bernadette C., 179 Cal.Rpr. 688 127 C.A.3d 618.

Cal.App. 1981. Clear and convincing evidence was required in order to take custody of child away from mother and place him in foster home.... In re Amos L. 177 Cal.Rptr. 783, 124 C.A.3d 1031.

Cal.App. 1982. "...Clear and Convincing" evidence [needed] to support conclusion that children were dependent. In re Jamie M. 184 Cal.Rptr. 778, 134 C.A.3d 530.

Cal.App. 1 Dist. 1989. ...Burden of proof in termination proceeding was clear and convincing evidence. In re Nathaniel P. 259 Cal.Rptr. 555, 211 C.A.3d 660.

Cal.App. 5 Dist. 1986. ...Appellate court must determine whether substantial evidence supports conclusions reached by trial court while using clear and convincing evidence standard. Matter of Mark V., 225 Cal.Rptr. 460, 177 C.A.3d 754.

Cal. 1983. Standard of proof in proceeding to terminate parental ties is clear and convincing evidence. West's Ann.Cal.Civ.Code 232(a)(7).

Cal.App. 4 Dist. 1986. [Must have] clear and convincing evidence of parents' inability to provide home, care and control, and adequate parenting for children which was sufficient to declare children free from custody and control of parents. Matter of Mary M., 226 Ca.Rptr. 5, 180 C.A.3d 1058.

Cal.App. 5 Dist. 1986. Decision severing parental relationship must be based on clear and convincing evidence. In re Terry E. 25 Cal.Rptr. 803, 180 C.A.3d 932.

Cal.App. 5 Dist. 1986. Trial court's findings in proceeding to terminate parental rights must be based on clear and convincing evidence. In re Amie M. 225 Cal.Rptr. 645, 180 C.A.3d 668.

Cal.App. 5 Dis. 1986. Trial court must base findings upon clear and convincing evidence in order to terminate parental rights on grounds that parent convicted of felony is unfit. Matter of Mark V., 225 Cal.Rptr. 460, 177 C.A.3d 754.

(Cal.App. 2 Dist. 1989., Matter of Danielle W., 255 Cal.Rptr. 344, 207, C.A.3d 1227). This drastic action is illegal (U.S.C.A. Const.Amend.14; 576 F.Supp.545). It is as if he has been kidnapped by the Juvenile Court of the County of Los Angeles of the State of California for no cause whatsoever!

a. Involuntary Termination of Parent-Child Relationship by State Action Is Drastic Remedy Resorted to Only in Extreme Cases

Cal.App. 5 Dist. 1984. Involuntary termination of parent-child relationship by state action must be viewed as a drastic remedy which should be resorted to only in extreme cases. West's Ann.Cal.Civ.Code 232.--In re Sonia G., 204 Cal.Rptr.498, 158 C.A.3d 18.

Cal.App.5 Dist. 1984. Involuntary termination of parent-child relationship by state action must be viewed as drastic remedy which should be resorted to only in extreme instances of neglect or abandonment. West's Ann.Cal.Civ. Code 232--In re David C., 200 Cal.Rptr. 115, 152 C.A.3d 1989.

Cal. 1978. Parenting is a fundamental right which may be disturbed only in extreme cases of persons acting in a fashion incompatible with parenthood. In re Carmaleta B., 579, P.2d 514, 146 Cal.Rptr. 623, 21 C.3d 482. In re Carmaleta B., 579, P.2d 514, 146 Cal.Rptr. 623, 21 C.3d 482.

Cal.App. 3 Dist. 1985. Finding of dependency under West's Ann.Cal.Welf.& Inst.Code 300(a), so as to warrant foster care, is not adequate basis for granting termination of parental rights on basis of neglect; parent-child relationship can be permanently severed only in cases of demonstrable extreme neglect. West's Ann.Cal.Civ.Code 232, 232(a) (2).--In re Christina P., 220 Cal.Rptr. 525, 175 C.A.3d 115.

b. Fit Parents Are Entitled to Custody of Their Minors

Cal.App. 1968. Custody of minor child must be awarded to parents as against stranger unless parent is affirmatively found to be unfit. O'Brien v. O'Brien, 66 Cal.Rpt. 424, 259 C.A. 2d 418.

Cal.App. 1959. A parent is entitled to custody of minor child over a stranger unless the parent is unfit. In re Guardianship of Joaquin, 335 P.2d 507, 168 C.A.2d 99.

Cal.App. 1966. The "parental preference" rule requires that custody of a minor child be awarded to a parent as against a stranger, unless parent is affirmatively found to be unfit. Moffitt v. Moffitt, 51 Cal.Rptr. 683, 242, C.A. 2d 580.

Cal.App. 1966. It is policy of state that child custody shall not be awarded to anyone other than parent unless there is finding of unfitness of parent. Marlow v. Wene, 49 Cal.Rptr. 881, 240 C.A.2d 670.

Cal.App. 1963. Custody of child may be awarded to non-parent only if parent is found to be unfit. West's Ann.Civ.Code, 197; West's Ann.Prob.Code, 1409, 1407. In re Guardianship of Clark, 32 Cal.Rptr. 448.

Cal.App. 1966. Where parent applying for custody is in position to take child and is not shown to be unfit, court may not award custody to strangers merely because it feels that they may be more fit or that they may be more able to provide financial, educational, social, or other

benefits. In re Miller, 53, Cal.Rptr. 211, 244 C.A.2d 454.

Cal.App. 1960. Where a parent applying for custody is in a position to take the child and is not shown to be unfit court may not award custody to strangers.... Application of Miller, 3 Cal.Rptr. 450, 179 C.A.2d 12.

Cal.App. 1968. Although fitness to have custody of minor child is a factual question, burden on one claiming parental unfitness is a heavy one. O'Brien v. O'Brien, 66 Cal.Rptr. 424, 259 C.A.2d 418.

Cal.App. 166. In fight for custody of child between nonparents and a natural parent, the nonparents have the burden of proving the natural parent's unfitness. In re Miller, 53 Cal.Rptr. 211, 244 C.A.2d 454.

Cal.App. The burden on one claiming unfitness of a parent to have custody of child is a heavy one. In re Smith's Guardianship, 306 P.2d 86, 147 C.A.2d 686.

c. Parents' Rights Superior Over Minor Child's Rights

D.C.Ill. 1985. Parents' rights are superior over that of their minor child, particularly in matters involving education, religion, and nurture generally. Polovchak v. Landon, 614 F.Supp. 900.

D.C.Iowa 1975. State's interest in protecting children is not absolute; it must be balanced against parents'

countervailing interest in being able to raise their children in environment free from government interference. I.C.A. 232.41. Alsager v. District Court of Polk County, Iowa (Juvenile Division), 406 F.Supp. 10, adopted 545 F.2d 1137.

d. Court Not Bound to Decide Custody Issue on Preference of Minor

Cal.App. 1980. Court was not bound to decide child custody issue according to preference of children.... In re Marriage of Hopson, 158 Cal.Rptr. 343, 110 C.A.3d 884.

Cal.App. 1961. It is not mandatory that court consider preference of child in determining custody question. West's Ann.Civ.Code, 138.

e. Parental Rights Remain Intact

U.S.N.Y. 1982. Fundamental liberty interest of natural parents in care, custody and management of their child does not evaporate simply because they have...lost temporary custody of the child to State. U.S.C.A.Const. Amends. 5. 14. Santosky v. Kramer, 102 S.Ct. 1388, 455 U.S. 745, 71 I.Ed.2d 599 on remand Matter of John A.A., 453 N.Y.S.2d 942, 89 A.D.2d 738.

C.A.7(Ill.) 1985. Weighty parental interest in their child's well-being does not disappear merely because parents have temporarily lost custody of their child. Polovchak v. Meese, 774 F.2d 731.

f. Preserving Family Unit in Best Interests of Child

Cal.App. 1976. Preservation of parental relationships is in the best interests of child as well as the parent. In re Marriage of Ciganovich, 132 Cal.Rptr. 261, 61 C.A. 3d 289.

g. Parental Rights Constitutionally Protected

Cal.1977. Parents have powers greater than state to curtail child's exercise of constitutional rights, for parent's own constitutionally protected "liberty" includes right to direct upbringing and education of children. U.S.C. A.Const. Amend. 14; West's Ann.Const. art 1 7(a). In re Roger S., 569 P.2d 1286, 141 Cal.Rptr. 298.

h. Family Relationships Protected by Constitution

U.S.Ga 1978. Relationship between parent and child is constitutionally protected. U.S.C.A. Const. Amend. 14. Quilloin v. Walcott, 98 S.Ct. 549, 434 U.S. 246, 54 L.Ed.2d 511, rehearing denied 98 S.Ct. 1477, 435 U.S. 918, 55 L.Ed.2d 511.

C.A.Ill. 1978. Parents have a right to supervise and direct the rearing of their children free from state interference and to include the inculcation of moral standards, religious beliefs, and elements of good citizenship. U.S.C.A. Const. Amend. 14. Wynn v. Carey, 582 F.2d 1375.

i. "Visits" Protected by Constitution

D.C.Pa. 1983. Regular and appropriate visits between parent and children, and integrity of family are fundamental liberty interests protected by the Constitution.... U.S.C.A. Const.Amend. 14. Williams v. Carros, 576 F.Supp. 545.

j. Medical Interference by State Must Be Justified

...The state must bear a serious burden of justification before abridging parental autonomy by substituting its judgment for that of the parents. U.S.C.A. Const. Amend. 14, 1 (Emphasis added).

According to the Civil Code of the State of California, "A Parent's Right to Custody, 1. #91 Parental Right. A parent is the natural guardian of the person of his child and is entitled to its custody and control (Summary of California Law, Ninth Edition, by B. E. Witkin, 1989, p.135.

Cal.App. 1983. Person remains a child of one's parents throughout life, not simply until the age of majority is reached.--People v. McGraw, 190 Cal.Rptr.461, 141 C.A.3d 618.

Cal.App. 1 Dist. 1983. Decision to intervene in family privacy must not only be conditioned upon clear affirmative showing of harm or likely harm to child and exhaustion of mediation but must concomitantly reflect considered judgment that attendant upon coercive intervention in family privacy.--In re Marriage of

Mentry, 190 Cal.Rptr. 843, 142 C.A.3d 260.

Cal.App. 2Dist 1987. Parental rights to conceive and raise children are deemed essential, basic civil rights of man, rights far more precious than property, which should be accorded high degree of protection.--In re Lorenzo T., 235 Cal.Rptr. 680. 190 C.A.3d 888.

Cal.App. 2 Dist. 1984. Parental rights are not abrogated to the extent that the child's best interests are the only consideration in severing legal bonds between parent and child; right of an individual to raise his or her own child free from unwarranted state intrusion remains a fundamental right.--Matter of Cheryl E., 207 Cal.Rptr.728, 161 C.A.3d 587.

Cal.App. 2 Dist. 1984. Statute which requires court to award physical custody of minor to parents, if fit to exercise custody, as against stranger, intends to encourage and facilitate court decisions in best interests of child, requiring not only finding that award of custody to parent is detrimental to child, but finding that award of custody to nonparent is in child's best interest. Adoption of Baby Boy D., 205 Cal.Rptr. 361, 159 C.A.3d 8.

Cal.App. 5 Dist. 1984. Before court may award custody of child to nonparent, it must render finding that award to parent would be detrimental to the child' and that award to nonparent was required to serve best interest of child. In reg. David C., 200 Cal.Rptr. 309.

Cal.App. 4 Dist. 1989. Before court may award custody of child to nonparent, there must be clear and convincing proof of parental inability to provide proper care and resulting detriment to child if it remains with parent. In re Noah M., 260 Cal.Rptr. 309.

Cal.App. 4 Dist. 1984. Right to parent can only give way upon clear and convincing showing of parental unfitness and detriment to child.--In re Robert D., 198 Cal.Rptr. 801, 151 C.A.3d 391.

West's California Legislative Service, 1987, 676, Ch. 1485.

Black's Law Dictionary, 5th Edition, by Henry Campbell Black, Contributing Authors Joseph R. Nolan, M.J. Connolly, St. Paul Minn. West Publishing Co., 1979.

In re Marriage of Matthews, supra, 101 C.A. 3d 817. Summary of California Law, Ninth Edition, by B. E. Withen, 1989 (3) #101 Improper Orders.

U.S.C.A. Const. Amend. 14; 98 S.Ct. 549, 434 U.S. 246, 54 L.Ed. 2d 511.

U.S.C.A. Const. Amend. 14--Ansley v. Superior Court (Los Angeles County. Dept. of Children's Services), 229 Cl.Rptr. 771, 185 C.A.3d 477.

U.C.A. Constitutional Amendment 5, 6, 14.

California Evidence Code 1990, Sections 451-455.

A permanent placement is any placement of a child that is neither a temporary foster care placement nor an emergency

placement. Assignments by birth... Permanent placements insulate adult and child from intrusion by former parents or by the state except as authorized by a ground for intervention (Cases and Materials on Children in the Legal System, by Walter Wadlington, James Madison Professor of Law, University of Virginia Law School; Charles H. Whitebread, George T. Pfleger Professor of Law, University of Southern California Law Center; Samuel M. David, Professor of Law, University of Georgia School of Law, Mineola, New York. The Foundation Press, Inc., 1983).

Cal.App. 6 Dist. 1989. In re Michael D., 256 Cal.Rptr. 884, 209 C.A.3d 122.

Summary of California Law, Ninth Edition by B.E. Witkin of the San Francisco Bar, Volume 10, 1989, (3) 101 Improper Orders.

A Parent's Right to Custody, 1. #91 Parental Right. (Summary of California Law, Ninth Edition, by B.E. Witkin, 1989, p.135.

Fundamentals of Modern Appellate Advocacy, Robert J. Martineau, The Lawyers Cooperative Publishing Company, New York. 1985, pp.57-58.

Judicial Notices by Reviewing Court: Sections 451, 452, 453, 454, 455, California Evidence Court 1990.

WELFARE AND INSTITUTIONS 300 CODES VIOLATED BY SUPERIOR COURT OF CALIFORNIA (DEPENDENCY COURT, DEPT. 237) (Partial List)

WIC 319 -- The Juvenile Court had no prima facie showing of child abuse or neglect of any kind against parents Donald and Irene B. Wofford--only the lies and/or delusion of the mentally ill minors and their sister Sharon Wofford. No evidence existed that the well-cared-for minors (by their parents) came under Section 300.

WIC 319(A) -- There was no "danger" of any kind to the minors by releasing them to the care of their parents as minor John David's treating psychiatrist recommended, and as was recommended by the psychologist whom IRene Donna had worked. The "danger" to the minors was their detention which nearly resulted in John David's death due to the neglect of his Department of Children's Services approved "caretakers." In addition, the minors medical needs were neglected by the Department of Children's Services.

WIC 352 -- Both minors have had unstable environments under the Department of Children's Services. Minor John David has had at least seven different addresses since 04-07-87 while in his "temporary placements."

WIC 355 -- There was <u>no</u> "preponderance of evidence" to detain minors John David and Irene Donna and keep them out of their parents' home. In fact, there was <u>no</u> evidence!

WIC 361.3 -- Department of Children's Services recommended/Court-appointed 23-year-old "caretaker"/sisters Sharon Wofford did not provide "a secure and stable environment" for the minors, her moral character was not good, and she could not care for, control, or provide for her 14- and 16-year-old minor siblings. Sharon did not facilitate visitation or reunification efforts with the parents since she was the one who initially persuaded the minors to run away from home.

CIVIL CODE VIOLATIONS BY THE SUPERIOR COURT IN THE COUNTY OF LOS ANGELES, IN THE STATE OF CALIFORNIA (DEPENDENCY COURT, DEPT. 237) (Partial List)

C.C. Section.7020(a)(1)(2)(3) -- Upon the request of the Department of Children's Services, the Juvenile Court made an ex-parte order, with no showing whatsoever,m that the minors' parents had threatened their daughter Sharon and their minors John David and Irene Donna Wofford. The Department of Children's Services based their request to make the minors' address confidential solely on the lies and/or delusions of the mentally ill minors and their sister who had falsely accused their innocent parents.

PENAL CODES VIOLATED BY THE SUPERIOR COURT IN THE COUNTY OF LOS ANGELES, IN THE THE STATE OF CALIFORNIA (DEPENCENCY COURT, DEPT. 237) (PARTIAL LIST)

P.C. 272 -- Minors were encouraged to come under and remain under Section 300 or the Welfare and Institutions Code and to refuse to conform to orders of the Juvenile Court.

P.C. Sect. 211 -- Sharon Wofford, Jack (alias "Jack the Ripper") Ruttan (whose name the Wofford parents did not know when he helped rob them) and "Does 1-5" (whose names the parents still do not know) robbed Mr. and Mrs. Wofford by taking their personal property in their immediate presence and against their will. This was accomplished by means of force.

P.C. 278.5 -- The Juvenile Court ordered visitation of the parents by the minors. The Department of Children's Services and the minors have consistently refused to obey this Court Order.

P.C. 1000.12 -- The prosecuting attorney can "prosecute persons suspected of committing any crime in which a minor is a victim of an act of abuse or neglect...to the fullest extent of the law..."

"The crime of child abuse occurs if a person causes or permits a child to suffer, inflicts unjustifiable physical pain or mental suffering on the child or permits the child to be placed in a situation which endangers its health, under circumstances or conditions likely to result in great bodily harm of

death..." (1989 Edition: A Practical Guide to California Youth Laws, p.140). "This is not a specific intent crime. Thus, for example..." a caretaker "is guilty of the crime [of child abuse] even though not having 'bad' motives" when his/her actions result "in serious injuries to the child..." People v. Pointer, 151 C.A.3d 1128, 199 Cal.Rptr. 357 (1984); See Walker v. Superior Court, 176 C.A.3d 526, 222 Cal.Rptr. 87 (1986) discussed supra.

A judgment in a proceeding under Section 300 may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment;..." (See Cal. Rules of the Court, rule 1396(b).) Ev.C 1017 (Court appointed therapist has no privileges.) Constitution of the United States, Article 4.

PSYCHIATRIC BOOKS OF LEADING PROFESSIONALS DESCRIBING THE MENTAL ILLNESS OF MINORS 14-YEAR-OLD JOHN DAVID WOFFORD, 16-YEAR-OLD IRENE DONNA WOFFORD AND THEIR 23-YEAR-ADULT SISTER SHARON WOFFORD (Minors ran away from home to live with Sharon Wofford on April 7, 1987):

Comprehensive Textbook of Psychiatry/V, Kaplan and Sadock, Williams & Wilkins, Baltimore, Hong Kong, London, Sydney, 1989, p.894.

Fish's Schizophrenia, Edited by Max Hamilton, 3rd Ed., London, England, (p. 172).

Mendelian Inheritance in Man, Victor A. McKusick, M.D., The John Hopkins University Press, Sixth Edition (12548 Depressive Disorders, p. 1333).

Psychiatric Medicine Update, Theo C. Manschreck, M.D., M.P.H. and George B. Murray, M.D., Editors-in-Chief, Elsevier Science Publishing Co., 1984, (pp.118,120,121,127,130).

Relatives at Risk for Mental Disorder, David L. Duner, M.D., Elliott S. Gershonm M.D., James E. Barrett, M.D., Raven Press, New York, 1988, (pp.161,21,65,152-153, 156).

Surviving Schizophrenia, E. Fuller Torrey, M.D., (pp.74-84).

Synopsis of Psychiatry, Harold I. Kaplan, M.D., and Benjamin J. Sadock, M.D., Williams & Wilkins, 5th Edition, 1988, Baltimore, Hong Kong, London and Sydney, pp. 293, 631.

Textbook of Medicine, 16th Edition, Wyngaarden and Smith, (pp.1988-1989).

The Clinical Management of Affective Disorders, (p.131,123).

The Good News About Depression, Mark S. Gold, M.D., 1986 (pp.103,178,211,223,226, 234,295,283).

The Mind, Richard M. Restak, M.D., Bantam Books, Toronto.New York.London.Sydney.Auckland.

The New Language of Psychiatry, Ronald Levy, M.D., (pp.107-202,203).

Treatment of DSM-III Psychiatric Disorders, (p.138).

OPHTHALMOLOGY BOOKS:

"Physicians Desk Reference for Ophthalmology, (PDR, 11th Ed., 1983), Paul Henkind, M.D., Ph.D., Joseph B. Walsh, M.D., Arthur W. Berger, O.D., (Editorial Consultants); Edward R. Barnhart (Publisher); Medical Economics Company, Inc., Oradell, N.J., 1982.

"Cataract Surgery and its Complications", 4th Ed., Norman S. Jaffe, M.D., F.A.C.S., The C.V. Mosby Company, St. Louis, Toronto. Princeton, 1984.

Cataracts, The Complete Guide--From Diagnosis to Recovery--For Patients and Families", Julius Shulman, M.D., Simon and Schuster, New York, 1984.

"Ophthalmology made ridiculously simple, Stephen Goldberg, M.D., MedMaster, Inc., Miami, Florida, 1982.

"Orthoptics and Ocular Examination Techniques, William E. Scott, M.D., Denise D. D'Agostino, C.O./C.O.T., Leslie Weingeist Lennarson, C.O./C.O.T., Williams and Wilkins, Baltimore/London, 1983.

CURRICULUM VITAE OF JOHN DAVID WOFFORD'S TREATING PSYCHIATRIST PRIOR TO HIS RUNNING AWAY FROM HOME ON APRIL 7, 1987:

Curriculum Vitae of Joseph S. Haraszti, M.D. (Psychiatrist). Dr. Haraszti was John David Wofford's treating psychiatrist while under the good care of his parents prior to his running away from home on April 7, 1987.

Hospital Brochures (Brochures of hospitals where Dr. Haraszti, John David Wofford's treating psychiatrist, is/was Medical Director).

Ingleside Hospital's brochure, Rosemead, California. [Ingleside is an acute-care hospital for mental patients]. Dr. Haraszti was Medical Director of Ingleside for five years.

Las Encinas Hospital Adolescent Treatment Program, Pasadena, California. [Las Encinas is also an acute-care hospital for mental patients]. Dr. Haraszti is now the Medical Director of the Adolescent Program at Las Encinas Hospital.

HOSPITAL AND MEDICAL RECORDS AFTER RUNNING AWAY FROM HOME, AND WHILE IN THE CARE OF THE DEPARTMENT OF CHILDREN'S SERVICES:

Children's Hospital of Los Angeles Operative Record, 10-30-87. Surgery to correct minor John David Wofford's "loose" stitches problem in eye after eye surgery under caretaker/sister Sharon Wofford.

Dr. Michael Maloney, Court-appointed Psychologist reports that parents not mentally ill, 06-30-87), however, minors are mentally ill.

Department of Public Social Services' request for Judicial Order for craniotomy for John David Wofford after near-fatal accident while in care of State of California (August 1988).

Gerald T. Bowns, M.D., letter of 07-01-87. Dr. Bowns was not optimistic that eye surgery would correct minor's vision problems.

Glendale Adventist Medical Report, 01-28-88. Irene Donna Wofford had surgery for cyst.

Huntington Memorial Hospital, (09-87). Sharon Wofford, Court-appointed caretaker of minors authorized eye surgery for minor John David Wofford and Irene Donna Wofford.

Huntington Memorial Hospital Case History, (03-28-88). John David Wofford's new caretaker, Alma Prismantis, authorized eye surgery.

Huntington Memorial Hospital, Nurses' Clinical Record regarding John David Wofford hyperventilating when he would be approached by nurse (March 1988) [four records filed].

Huntington Memorial Hospital Discharge Summary, 05-30-88. John David Wofford in hospital three days for operation to remove glass from knee that had been there three weeks while in care of State of California.

Huntington Memorial Hospital Nurses' Narrative Notes of 05-27-88. John David Wofford hospitalized for removal of glass in knee which had been there three weeks. Acute pyoarthralgia had developed.

Huntington Memorial Hospital, Department of Laboratory Medicine, 05-28-88. "Glass" in knee 7 mm and 4 mm in length.

Huntington Memorial Hospital Consultation describing the injuries of John David Wofford, (AKA John Doe), by doctor on 08-03-88.

John Doe, #1735, admitted to Huntington Memorial Hospital on 08-03-88 in critical condition. John Doe actually was John David Wofford who was hit by a car and thrown 20 ft. through the air while under care of State of California.

Huntington Memorial Hospital, (08-03-88). Doctor reports that John David Wofford's accident resulted in humerus fracture, public ramus fracture, subdural hematoma, and severe right shoulder injury.

Huntington Memorial Hospital Patient Assessment Record, (08-05-88). Doctor's assessment of John David Wofford's condition after near-fatal accident under care of State of California.

Huntington Memorial Hospital Patient Care Plan, John David Wofford would eat only 50% of his meals, (08-11-88).

Huntington Memorial Hospital Patient Assessment Record, (08-15-88). Minor John David Wofford is approximately 30 lbs. below normal weight under care of Department of Children's Services.

Huntington Memorial Hospital, 08-17-87, Juvenile Court authorized craniotomy. Stated that parents approval was granted.

Huntington Memorial Hospital report removal of John David's phone during hospitalization to prevent John David Wofford from contacting parents. (August 1988).

Huntington Memorial Hospital Report, 09-01-88. Accident follow-up.

Huntington Memorial Hospital Report, 09-03-88. Accident follow-up.

Huntington Memorial Hospital Report, 09-01-88. Accident follow-up.

Pasadena Dispensary Progress Record, (01-19-88). Irene Donna Wofford, John David Wofford's sister with whom he ran away from home, had anxiety attacks under care of State of California.

Pasadena Dispensary Progress Record, (01-26-88). Irene Donna Wofford complained about medical care she received while a Dependent Child of the Juvenile Court [Irene Donna had already graduated from high school at this time, nevertheless was still a Dependent Child of the Juvenile Court!].

Pasadena Dispensary Progress Record, (02-15-88). Doctors told Irene Donna Wofford that "there is nothing wrong" [physically].

Pasadena Dispensary Record of 03-24-88. Minor turned "blue" while under anesthesia at Children's Hospital for repair of loose sutures which, according to medical authorities, can result in impaired vision.

Pasadena Dispensary Record of 05-26-88. Draining abscess due to glass in knee for three weeks (foster parents did not take minor to doctor for removal of glass for three weeks!).

Pasadena Dispensary Record of 06-11-88. John David Wofford can't extend knee.

Pasadena Dispensary Progress Records, 06-17-88 Surgical. Follow-up after knee surgery.

Pasadena Dispensary, 07-11-88. Follow-up after knee surgery.

NEWS MEDIA EXPOSES ABUSE AND DEATH OF MANY MINORS WHILE BEING DETAINED BY THE JUVENILE COURT OF THE COUNTY OF LOS ANGELES IN THE STATE OF CALIFORNIA IN THE CARE OF THE DEPARTMENT OF CHILDREN'S SERVICES:

California Stories, November 22, 1988. Governmental agencies can get up to $6,000.00 per month for each teenager detained as a Dependent Child of the Juvenile Court and placed in a Group Home.

Child Abuse Allegations, by Allen R. McMahon, Attorney at Law, 1988.

Civil Employees News, June 29 - Aug. 9, 1989 -- Goal is to stop abuse now, with the goal of preventing institutionalized abuse of children and disabled adults.

Daily News, 04-04-90 -- County votes to give foster-home licensing job to state.

Daily News, 06-13-90 -- State of California to monitor foster homes in L.A. County due to child abuse while in State care.

Daily News, 06-28-90 -- California again scores low on its care of children.

Daily News, 07-03-90 -- Children have been abused in foster homes.

Daily News, 07-20-90 -- Chaffee forced to quit child services post -- Resignation follows claims of foster care abuse.

Daily News, 08-09-90 -- Children's Services Criticized. State Report claims county department slow to respond to abuse complaints.

Daily News, 08-10-90 -- Audit finds inflated child welfare claims.

Daily News, 10-11-90 -- Child services censured for shielding social worker.

Daily News, Federal government subsidizes child care programs.

Daily News, 12-12-90 -- Children put in homes known for abuse, according to state audit.

Daily News, 12-14-90 -- Floridan Chosen for county job (Children's Services to get new director).

Los Angeles Times 04-20-85. MacLaren Children's Center employees accused of child abuse--rape, assault, selling drugs, breaking child's arm.

Los Angeles Times, 08-11-88 -- Children's Agency, Supervisors hit with suit charging neglect.

Los Angeles Times (alarming statistics on mental illness), 11-01-88.

Los Angeles Times, 01-22-89 -- Children vulnerable in California.

Los Angeles Times, 03-05-89 -- Girl's 911 call [to L.A. Department of Children's Services] led to new life of turmoil.

Los Angeles Times, 11-30-89 -- Health alarm in foster care, more than half of the children living in MacLaren Children's Center, L.A. County's primary foster shelter -- were diagnosed ranging from mild depression to schizophrenia.

Los Angeles Times, 12-12-89 -- One in five children in foster care live in State of California.

Los Angeles Times, 03-08-90 -- County accused of letting foster children suffer abuse.

Los Angeles Times, 06-13-90 -- Supervisors will give up foster homes licensing.

Los Angeles Times, 06-28-90 -- Children: State scores a "d" for the second year.

Los Angeles Times, 07-02-90 -- In L.A. County, County paid $18,000,000.00 in legal awards and settlements to children who were either physically or sexually abused while in its care!

Los Angeles Times, 07-17-90 -- Social worker who was arrested last week had branded his department too eager to condemn sexual acts involving youngsters.

Los Angeles Times, 07-21-90 -- Judge says girl, 7, was raped, lifts license of foster home.

Los Angeles Times, 07-27-90 -- Supervisors divided over [Director's] replacement.

Los Angeles Times,11-27-90 -- Former children's worker sentenced in molestation case.

Los Angeles Times, 12-13-90 -- New Director to head Child Welfare Agency.

Los Angeles Times, 12-14-90 -- Children's Services: Executive assistant of department reassigned to his old job after his spouse was named in a pornographic video distribution case.

Newsweek, Article on Depression, 04-04-87, (p.29).

Star News, "Pacific Clinics opens third office", (10-27-88).

Star News, 08-11-88 -- Suit charges (L.A.) County with child neglect.

Star News, 10-27-88 -- Pacific Clinics opens third office.

Star News, 07-27-90 -- Foster home licensing called into question.

Star News, 03-22-90 -- Employee of the County Department of Social Services and a Long Beach attorney operating a baby-buying ring, offering women $20,000.00 for newborn children.

Star News, -- 12-12-90 -- Foster care system may be adding to trauma [to children] by placing them with foster parents suspected of child abuse.

Star News, 01-06-91 -- New generation of homeless coming from foster care.

So. Law News, Nov-Dec 1989 -- Courts Agree: Foster children have fewer rights than prisoners.

SCHOOL INFORMATION FILED:

Crescenta Valley High School's report of 09-15-87. Minor's excessive absences.

Crescenta Valley High School's 12-04-87 report of John David's failing grades while living with Sharon Wofford on 4921 Cloud Ave., La Crescenta, California. World History F, English D, Math F, Psy. and Earth Science D, Spanish F.

Hoover High School's reports of 10-88, 11-10-88, 12-88, 02-02-89 and 05-89. Minor's grades under State of California care decline due to tardiness, absence, not doing homework properly, etc.

Hoover High School Records, IEP Annual Review 11/88. John David Wofford did not need cain to walk while with parents.

Hoover High School IEP after being in care of State of California for over a year states that John David Wofford needed a cane "for mobility" (06-04-89).

John David Wofford's 1987 La Canada High School/Junior High Yearbook photo.

La Canada Unified School District, Mark R. Facer Deputy Superintendent, (95-09-89). Writes letter concerning $6,000.00 visual aid equipment stolen by 23-year-old Sharon Wofford, Court-appointed caretaker of 14-year-old minor John David Wofford.

La Canada High School's report 2nd semester 1986-87. Minor had failing grades under State of California's caretakers.

La Canada High School's Report on John David Wofford 50 W. Duarte Rd., Monrovia. Work habits: Absences or tardies are affecting grades.

8th Grade Graduation Class Program did not include John David's name due to disruption and neglect of his education by Court-appointed "caretaker".

DETECTIVE'S REPORTS:

Nick Harris Detectives commendation by Mayor Bradley.

Nick Harris Detectives Confidential Report, 07-07-87. Sharon Wofford provided extremely unstable home for minors [very mobile].

Nick Harris Detectives, Inc., Confidential Report of 02-24-88. John David Wofford's new foster mother, Alma Prismantis, stated that he has "emotional problems".

MISCELLANEOUS DOCUMENTS, EVIDENCE AND PROOF FILED IN THE SUPERIOR COURT OF THE COUNTY OF LOS ANGELES (DEPENDENCY COURT, DEPT. 237), COURT OF APPEAL, SECOND APPELLATE DISTRICT, DIVISIONS THREE AND FOUR, AND SUPREME COURT OF THE STATE OF CALIFORNIA BY IRENE B. WOFFORD:

Checks written by Irene Wofford to Sharon Wofford dated 02-26-87 and 03-08-87, signed by Sharon Wofford.

City of Los Angeles County Fire Department Emergency Medical Service Report, 08-03-88. John David Wofford sustained "multiple ABR and avulsion, contusion head, chest, abd., arms, leg, poss. Fx R. humerus".

Condition of John David Wofford in Parents' Care Compared to Condition as Dependent Child of Juvenile Court Under "Care" of Department of Children's Services (Compiled from records by Irene B. Wofford).

Correspondence from Superior Court addressed to John David Wofford on Pickens Canyon Road.

Correspondence from John David Wofford's tutor, Mrs. LaVonne Knedel, Sequoyah Jr. High, Polytechnic School and Pacific Oaks concerning his good progress in school while living with his parents.

County of Department of Children's Services Activity Log (06-28-88). Parents not given DCS' records regarding time John David Wofford was hospitalized due to foster parents allowing glass to remain embedded in knee for three weeks prior to seeking medical treatment.

Cover of Juvenile Court File on Case J972868 showing that John David Wofford's address was "confidential" from parents.

Detention Report Visitation Restrictions: "No visits parents".

Department of Children's Services Activity Log 07-14-87 through 07-29-87. CSW could not locate minor John David Wofford who was

in care of 23-year-old Court-appointed sister, Sharon Wofford.

Irene B. Wofford's Letter to Children's Services' Social Worker 11-17-87. Irene B. Wofford suggested two possible clinics/hospitals that might help provide Family Reunification Services after Juvenile Court ordered the Department of Children's Services to provide such services for the second time. The Department did not respond to Irene B. Wofford's letter.

John David Wofford's new address is now 162 S. Grandview Avenue, Glendale, California.

LAPD photos of John David Wofford's auto/pedestrian accident of 08-03-88 (DR88-1625749). John David Wofford was hit by car going 45 mph. Shoulder hit hood of car, head hit windshield of car.

Letter of Samuel T. Wofford (John David Wofford's married brother) 08-10-88. **Sam Wofford was told that "no information could be released to family members" regarding John David Wofford's near fatal accident while in care of the State of California and that "no relatives were to visit him."**

MacLaren Children's Center fact sheet stating that "visitation is encouraged". Yet, parents were forbidden to visit minor John David Wofford.

Mailgram Service Center copy of telegram, Middletown, VA 01-16-81.

Official Transcript of Juvenile Court Hearing of 04-19-90.

Pacific Clinics Consent Form for Treatment by a clinical trainee or paraprofessional. Pacific Clinics is a training center for mental health professionals and para-professionals.

Pitman, George E., Allstate Insurance Agent, wrote letter to Sharon Wofford on 05-05-87.

Property printout showing cramped space John David Wofford shared with sister Sharon Wofford and her "new" male lover at the order of the Juvenile Court of the State of California. The only bedroom was living room/bedroom combination.

Restraining Order filed 05-28-87. Restraining Order obtained by parents Donald and Irene B. Wofford to prevent Sharon Wofford and male friends from robbing family home under the watchful eyes of the Crescenta Valley Sheriffs.

Restraining Order renewal filed 06-15-87. Restraining Order renewed.

Restraining Order renewal filed 07-13-87. Restraining Order renewed.

Suspected Child Abuse Report by Robert Parsons, Ph.D. dated 01-04-88. Dr. Parsons was told by John David Wofford that his Court-appointed caretaker, Sharon Wofford, had physically abused him, causing bruises on his arms. David's new address was now 155 South Chester, Apt. 8, Pasadena, California.

Traffic Accident Report, 08-03-88. John David Wofford, who was legally blind, was forced by caretakers while in State care to cross a busy boulevard daily in order to get to his Group Home from the bus.

There was no crosswalk, light, or stop sign where minor crossed street.

Vice President Bush wrote a letter to John David Wofford on 02-13-85 while living with his parents.

Writing Proficiency Test Secondary (Hoover High School records). John David Wofford wrote about one of his well-respected aunts [uncertain whether it was his aunt who is a school teacher or a psychologist's wife] with monster-like description.

DECLARATIONS OF APPELLANT IRENE B. WOFFORD WITH EXHIBITS WHICH WERE ALL FILED WITH THE SUPERIOR COURT OF THE STATE OF CALIFORNIA (DEPENDENCY COURT, DEPT. 237) AND ALSO FILED IN COURT OF APPEAL OF THE STATE OF CALIFORNIA, SECOND DIVISION, AND WITH THE SUPREME COURT OF STATE CALIFORNIA:

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Supreme Court, U.S.
FILED
JUL 29 1991
OFFICE OF THE CLERK

No. 91-57 (2)

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1991

IRENE B. WOFFORD,

Petitioner,

vs.

DEPARTMENT OF PUBLIC SOCIAL SERVICES OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEAL, SECOND APPELLATE DISTRICT DIVISION FOUR, OF THE STATE OF CALIFORNIA

BRIEF FOR RESPONDENT IN OPPOSITION

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QUESTIONS

1. ARE PETITIONER'S CHALLENGES TO THE JUVENILE COURT'S DEPENDENCY JURISDICTION OVER JOHN DAVID WOFFORD AND TO THE ORDERS THAT THE CHILDREN'S ADDRESS AND TELEPHONE NUMBER BE KEPT CONFIDENTIAL TIMELY?
2. DID THE 1989 REVISION OF CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTION 300 AUTOMATICALLY TERMINATE THE JUVENILE COURT'S DEPENDENCY JURISDICTION OVER JOHN DAVID WOFFORD?
3. DO EITHER OF THE FOREGOING QUESTIONS STATE A FEDERAL ISSUE OF SUFFICIENT MAGNITUDE TO JUSTIFY GRANTING CERTIORARI?

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No. 91-57

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1991

IRENE B. WOFFORD,

Petitioner,

v.

DEPARTMENT OF PUBLIC SOCIAL SERVICES OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,

Respondent.

BRIEF FOR RESPONDENT IN OPPOSITION

OPINIONS BELOW

Although petitioner purports to seek review only of the unpublished decision of the California Court of Appeal issued on January 22, 1991, it is important to understand that that decision was preceded by an earlier one on November 17, 1989, which dealt with some of the issues raised in the current petition for certiorari.

The November 17, 1989 opinion appears in the Appendix, pp. A1 - A4.

The January 22, 1991 opinion is set out at pp. A15 - A38 of the Appendix.

STATUTES INVOLVED

The statute involved in this case is Section 300 of the California Welfare and Institutions Code ("WIC"). It appears in the Appendix, both as it read when John David Wofford was first detained in 1987, and as it reads now:

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No. 91-57

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1991

IRENE B. WOFFORD,

Petitioner,

v.

DEPARTMENT OF PUBLIC SOCIAL SERVICES OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,

Respondent.

STATEMENT OF THE CASE

On April 8, 1987, respondent Department of Public Social Services of the County of Los Angeles filed a petition to have John David Wofford and his sister, Irene, made dependent children of the Juvenile Court.

The dependency petition alleged that the children's parents, petitioner and her husband, had failed to obtain needed medical attention for the

children in a timely manner; had inflicted numerous bruises and injuries on John's body; had kept a filthy home; and had subjected the children to rejection and to verbal and physical harassment. (The exact text of the allegations is set out at Appendix, pp. A57 - A58.)

The amended version of the petition to which petitioner and her husband ultimately pleaded "no contest" stated merely that the children had special and unique problems, and that there existed, due to the children's allegations, a family dysfunction so severe that the assistance of the court was required. (The exact text of the allegations as amended is set out in the Appendix, p.A59.)

On April 30, 1987, the court appointed counsel to represent petitioner and her husband. The children, at the time, were staying in their older sister's home; and the court's minute order expressly arranged for Wednesday evening visits with the parents.

On June 2, 1987, however, the court ordered that the minors' address be kept confidential from the parents, and noted that extra security might be necessary for the parties' next court appearance.

The adjudication of the petition was on July 21, 1987. Petitioner and her husband entered a "no contest" plea to the petition as amended. The court found both minors to be dependent children as described in WIC Section 300(a) and entrusted them to

respondent's custody. They remained placed in the home of their older sister, Sharon. The court ordered individual counseling for the children and for the parents, as well as family counseling. Respondent was given discretion in arranging visitation.

In connection with its review on November 17, 1987, the court reaffirmed that the children's address was to remain confidential.

The permanency planning hearing required by WIC Section 366.25 was originally scheduled for May 17, 1988, but was continued to July 14, September 20, October 24, and December 8, 1988. The September 20 order was the object of an earlier appeal by petitioner. In addition to continuing the permanency planning hearing, the order also

prohibited petitioner and her husband from putting the children under surveillance and from trying to obtain independent information about the minors either from their physician or their therapist. Respondent was ordered to notify petitioner's counsel if either child developed a medical problem.

In its unpublished opinion of November 17, 1989, the California Court of Appeal dismissed the appeal as it applied to the older child, Irene, on the ground that it was moot as to her, and affirmed the September 20 order as it applied to John David.

The objects of the present appeal are the Juvenile Court's permanency planning order of October 24, 1989 (Appendix, pp. A60 - A61) and the December 27, 1989 denials of

supplemental petitions in which petitioner sought custody of John David and termination of the court's jurisdiction over him based on allegedly changed circumstances. The Court of Appeal affirmed the acts of the Juvenile Court in its January 22, 1991 decision. To the extent that the appeal of the October 24 order was an attempt to challenge the original dependency jurisdictional adjudication, the appellate court pointed out that petitioner was foreclosed by her earlier "no contest" plea. Otherwise, the October 24, order presented "[n]o cognizable basis of judicial error ..." The denials of the supplemental petitions were likewise affirmed because there was insufficient evidence of changed circumstances and because the

1989 revisions of the relevant statutes were not to be applied retroactively. The unpublished opinion suggested, however, that the revisions might serve as a basis for a supplemental petition--i.e., change of circumstances.

Petitioner sought review by the California Supreme Court, which denied her petition on April 10, 1991.

ARGUMENT

1. PETITIONER'S CHALLENGES TO THE JUVENILE COURT'S DEPENDENCY JURISDICTION OVER JOHN DAVID WOFFORD AND TO THE ORDERS THAT THE CHILDREN'S ADDRESS AND TELEPHONE NUMBER BE KEPT CONFIDENTIAL ARE UNTIMELY.

The Juvenile Court took dependency jurisdiction over John David Wofford on July 21, 1987, after petitioner and her husband entered "no contest" pleas to the amended dependency petition.

The orders that the children's address and telephone number not be disclosed to the parents were issued on June 2 and November 17, 1987, and September 20, 1988. These orders were reviewed in petitioner's earlier appeal, affirmed on November 17, 1989.

Supreme Court Rule 13.1 requires the filing of a petition for writ of certiorari within 90 days after the entry of judgment. That precludes attacking the jurisdictional adjudication and the confidentiality orders in the present petition for writ of certiorari, which was filed on July 8, 1991, over a year and one half too late.

2. THE 1989 REVISION OF CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTION 300 DID NOT AUTOMATICALLY TERMINATE THE JUVENILE COURT'S DEPENDENCY JURISDICTION OVER JOHN DAVID WOFFORD.

In arguing that the 1989 revision of WIC Section 300 "repeals" the use of "family dysfunction" as a legal basis for juvenile dependency jurisdiction, petitioner seems to concede that "family dysfunction" was an acceptable ground for jurisdiction in 1987 when John David Wofford was first detained.

The statement of legislative intent which was added with the 1989 revision, however, negates any intent to narrow the bases for jurisdiction:

> "It is the intent of the Legislature in enacting this section to provide maximum protection for children who are currently being physically, sexually, or emotionally abused, being neglected, or being exploited, and to protect children who are at risk of that harm..."

Far from reducing jurisdictional scope, the declaration of intent calls for "maximum protection" for children actually being abused or neglected, or at risk of abuse or neglect.

Both federal and California authority recognize that statutes should be construed to implement legislative intent, even if that necessitates expanding on some of the legislation's more narrowly drawn phrases. Blum v. Stenson (1984) 465 U.S. 886,892-896; 79 L.Ed.2d 891,898-900; 104 S.Ct. 1541,1545-1547; Friends of Mammoth v. County of Mono (1972) 8 Cal.3d 247,256-262.

The construction of WIC Section 300 urged by petitioner also conflicts with established authority that statutes are rarely to be applied retroactively.

Hannay v. Eve (1806) 7 U.S. 242,248; 3 Cranch 242,248; 2 L.Ed. 427,429; Interinsurance Exchange v. Ohio Casualty Insurance Co. (1962) 58 Cal.2d 142,146-148. Except for the statement of legislative purpose, retroactive application of the 1989 revision of Section 300 might compel the automatic release of abused and neglected children to the homes in which they suffered the abuse and neglect - scarcely a reasonable legislative objective.

3. NEITHER OF THE FOREGOING QUESTIONS STATES A FEDERAL ISSUE OF SUFFICIENT MAGNITUDE TO JUSTIFY GRANTING CERTIORARI.

Recognizing that the preferred types of cases described in Rule 10 are not exhaustive, respondent nevertheless submits that the questions posed by the present petition are not of the same order as conflicts between federal

circuits or state supreme courts on important federal issues. Indeed, the only argument of petitioner which is not barred by Rule 13.1 is based on giving devastatingly limiting retroactive effect to a statutory revision, the stated aim of which is to afford maximum protection.

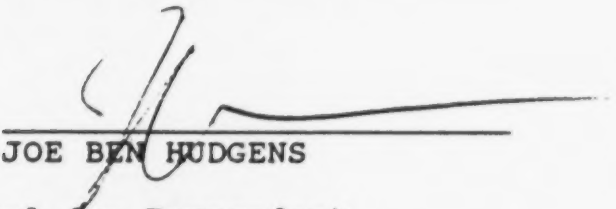
CONCLUSION

For the foregoing reasons, respondent submits that the petition for writ of certiorari filed in this case should be denied.

Dated: July 25, 1991

Respectfully submitted,

DE WITT W. CLINTON
County Counsel
JOE BEN HUDGENS
Principal Deputy County Counsel
ROSANNE Y. LIN
Auxiliary Legal Services, Inc.

By 
JOE BEN HUDGENS

Counsel for Respondent

APPENDIX A

November 17, 1989 Opinion of the California Court of Appeal

NOT FOR PUBLICATION
IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF
THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re John W. and Irene W.,	No. B038588
Minors.	(Super.Ct. No. J972868)
DEPARTMENT OF CHILDREN'S SERVICES,	
Petitioner and Respondent.	
v.	
IRENE W.,	
Objector and Appellant.	

APPEAL from a judgment (order) of the Superior Court of Los Angeles

County, E. Horowitz, Temporary Judge.*

Dismissed in part; affirmed.

Irene W., in pro. per., for Objector and Appellant.

De Witt W. Clinton, County Counsel, Sterling Honea, Senior Deputy County Counsel and Joe Ben Hudgens, Senior Deputy County Counsel for Petitioner and Respondent.

On July 21, 1987, Irene W. and John W. were adjudged to be dependent children of the juvenile court under Welfare and Institutions Code section 300, subdivision (a).[1] This adjudication was made after the minors' mother (appellant) and father pleaded no

---

* (Pursuant to Cal. Const., art. VI, §21.)

[1] All statutory referenced herein are to the Welfare and Institutions Code.

contest to an amended petition in which it was alleged that the assistance of the juvenile court was required because the "minors have special and unique problems" and "there exists a family dysfunction of a severe nature due to allegations made by minors."

At the adjudication hearing, the juvenile court ordered, among other things, that each minor be suitably placed and receive individual counseling. The minors were originally placed with their adult sister Sharon but later left for other placements.

The permanency planning hearing (§ 366.25) which was originally scheduled for May 17, 1988, was continued to July 14, 1988, September 20, 1988, and December 8, 1988.

This appeal is taken solely from the order of September 20, 1988, wherein the juvenile court ordered that the minors continue as dependents of the juvenile court; that the suitable placement order of July 21, 1987, remain in full effect; that the permanency planning hearing be continued to December 8, 1988; that appellant and her husband are prohibited from placing the minors under surveillance; that the parents are prohibited from trying to obtain independent information about the minors from their treating therapist or medical physician; and that the Department of Children's Services (respondent) is required to notify parents' counsel if either minor develops a medical problem.

ISSUES ON APPEAL

Presented for resolution in this appeal are the following issues:

1. Is the September 20, 1988, minute order appealable?

2. If so, is this appeal moot as to Irene W.?

3. Should the September 20, 1988, minute order be reversed?

DISCUSSION

I

In reliance on section 366.25, subdivision (j) and In re T.M. (1988) 206 Cal.App.3d 314, respondent contends that the September 20, 1988, minute order from which this appeal is taken is not appealable.

Section 336.25 [sic], subdivision (j) which became effective on January 1, 1989, states that "[a]n order by the

court that authorizes the filing of a petition to terminate parental rights pursuant to Section 232 or that authorizes the initiation of guardianship proceedings is not an appealable order but may be the subject of review by extraordinary writ."

In In re T.M., supra, 206 Cal.App. 3d 314, 316, the court in reliance on section 366.25, subdivision (i) which, as enacted in 1987, states that 366.25 "applies to minors adjudged dependent children of the juvenile court pursuant to subdivision (c) of Section 360 prior to January 1, 1989," held that subdivision (j) of section 366.25 applied retroactively thereby terminating appeals perfected prior to January 1, 1989.

Respondent contends that if a parent cannot appeal an order authorizing the filing of a petition to terminate parental rights or the initiation of guardianship proceedings which would normally be undertaken at the conclusion of a permanency planning hearing, then "the non-appealability of an interlocutory order issued before the completion of such a hearing should follow a fortiori." We disagree.

First of all, respondent's reliance on section 366.25, subdivision (j) and In re T.M., supra, is misplaced. The September 20, 1988, order from which this appeal is taken is not an order authorizing the filing of a petition to terminate parental rights or the initiation of legal guardianship proceedings.

Second, the right to appeal is strictly statutory, and the Legislature can terminate the right to appeal retroactively by legislation which clearly indicates an intent to affect pending appeals. (In re T.M., supra, 206 Cal.App.3d at p. 316; Martin v. Municipal Court (1983) 148 Cal.App.3d 693, 696; 9 Witkin, Cal. Procedure (3d ed. 1985) Appeal, § 3, pp. 34-35.) Although the Legislature has expressly and retroactively terminated the right to appeal from an order authorizing the initiation of proceedings to terminate parental rights and legal guardianship proceedings, it has not terminated the right to appeal from the sort of interim order which we review today. Until there is an expressed indication to the contrary from the Legislature, such

orders, which affect the substantial rights of the parents, remain appealable under section 395 which provides: "A judgment in a proceeding under Section 300 may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment;..." (See also, Cal.Rules of Court, rule 1396(b).)

II

On our own motion we have augmented the record on appeal to include the juvenile court's minute order of February 16, 1989, which is found in the superior court file. (Cal. Rules of Court, rule 12(a).) That minute order indicates that on February 16th of this year, the juvenile court terminated its dependency jurisdiction over the minor Irene W. As to her, therefore, this

appeal is moot and must be dismissed. (See Environmental Coalition of Orange County, Inc. v. Local Agency Formation Com. (1980) 110 Cal.App.3d 164, 170.)

III

Appellant asks this court to do the following:

1. "Remove Minor John David [W.] From Detrimental 'Care' of Department of Children's Services."

2. "Terminate Jurisdiction of Juvenile Court Over Minor John David [W.]."

3. "Return Custody of Minor John David [W.] to his Parents; Otherwise Emancipate Him."

The relief which appellant seeks on appeal was neither discussed nor argued at the September 20, 1988, hearing and

cannot be sought for the first time on appeal.

At the September 20, 1988, hearing, counsel for the minors stated that appellant and her husband had retained someone to surveil [sic] the minors and had obtained access to the minors' psychological and medical records. Counsel for the minors further stated that as the result of the latter, the minors had stopped receiving psychiatric treatment out of fear that their statements would get back to their parents. Based on these representations, the juvenile court issued an order prohibiting the parents from putting the minors under surveillance and from independently obtaining information about the minors from their treating therapist or medical

physician and also ordered respondent to notify counsel for the parents of any medical problem developed by either minor.

The juvenile court then continued the permanency planning hearing to December 8, 1988, and ordered that the minors remain dependents of the juvenile court and that the suitable placement order entered on July 21, 1987, remain in full effect.

We have thoroughly reviewed appellant's opening and reply briefs and conclude that she has failed to demonstrate that the September 20, 1988, order, or any part thereof, must be reversed.

Because the September 20th order is the only one being reviewed, any and all arguments made by appellant that do not

specifically pertain to the propriety of that particular order are not properly before us. We therefore cannot, and do not, address appellant's numerous attacks on other orders issued by the juvenile court in this case.

We further note that appellant's opening and reply briefs are replete with references to matters outside the record and arguments that were not presented below to the juvenile court. These references and arguments, too, are not properly before, and cannot be considered by, this court.

Also improperly before this court are appellant's claims that respondent has failed to comply with the juvenile court's September 20, 1988, order. Such concerns must, in the first instance, be presented to the court below.

DISPOSITION

Insofar as this appeal relates to the minor Irene W. it is dismissed as moot.

The remainder of the juvenile court's judgment (order) of September 20, 1988, is affirmed.

NOT FOR PUBLICATION
IN THE OFFICIAL REPORTS.

January 22, 1991 Opinion of the California Court of Appeal

NOT FOR PUBLICATION
IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF
THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re John W., A Person Coming Under the Juvenile Court Law.	No. B047534 (Super. Ct. No. J972868)
LOS ANGELES COUNTY DEPARTMENT OF PUBLIC SOCIAL SERVICES, Plaintiff and Respondent. v. IRENE B. W., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County, David M. Schacter, Judge. Affirmed.

Irene B. Wofford, in pro per, for Defendant and Appellant.

De Witt W. Clinton, County Counsel, Sterling Honea and Joe Ben Hudgens, Principal Deputy County Counsel, for Plaintiff and Respondent.

Appellant, Irene W., is the mother of a minor who has been declared a ward in dependency proceedings pursuant to Welfare and Institutions Code section 300.[1] She appeals from three orders of the juvenile court. Of these, the first maintained previous orders in full force and effect and directed the Los Angeles County Department of Children's Services ("DCS") to submit a progress report on a pending appeal. The other two orders

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[1] All code citations are to the Welfare and Institutions Code.

denied section 388 petitions for modification or termination of jurisdiction. Finding no judicial error, we shall affirm the determinations of the trial court.

FACTUAL AND PROCEDURAL SUMMARY

On April 8, 1987, a DCS Children's Services Worker filed a petition with the Juvenile Court in Los Angeles County. The petition sought a declaration of dependency status for John W. and his sister, both of whom were then minors. The petition included allegations under both subdivisions (a) and (d) of section 300. The subdivision (d) allegation asserted that the parental home was an unfit place because of neglect and abuse by appellant and her husband. The petition was amended at an adjudication hearing on July 21,

1987. All four counts of specific allegations under subdivision (a) were deleted, and the subdivision (d) count was dropped entirely. The amended petition alleged that the minors had no parent capable of and actually exercising proper and effective parental care and control; that they were in need of such care and control, and that they have "unique problems. Further there exists a family dysfunction of a severe nature due to allegations made by minors. Due to these circumstances, assistance of the juvenile court is required."

Following an admonition of rights, appellant and her husband (each represented by counsel) plead "no contest" to the amended petition. The court found that the allegations of the

amended petition were true; that "it would be detrimental for the minors to remain in parents'/guardian's custody;" and that "there is substantial danger to the physical/emotional health of the minors. No reasonable means exist to protect the minors without removal from the parents'/guardian's physical custody. Reasonable efforts have been made to prevent or eliminate the need for removal of the minors from his or her home and make it possible to return the minors from his or her home and make it possible to return the minors to his or her home." The court found each minor to be a dependent child under section 300, subdivision (a). It removed custody from appellant and her husband and ordered DCS to find a suitable placement. Weekly individual

counseling was ordered for the minors and for an adult sister; bi-weekly counseling was ordered for the parents. The parents also were ordered to participate in family counseling at the direction of a therapist. DCS was ordered to provide family reunification services, and the matter was placed on calendar for further review and a progress report.

Following this, a permanency planning hearing pursuant to section 366.25 was scheduled and continued on several occasions. This case was before us on the appeal from one of the orders continuing the section 366.25 hearing. We take judicial notice as requested by respondent of the record on that appeal. (Evid. Code, § 452, subd. (d), § 459,

subd. (a).)[2] That appeal was from an order of September 20, 1988, in which the juvenile court directed that the minors continue as dependents of the juvenile court, that the previous suitable placement order remain in full force and effect, that the permanency planning hearing be continued to December 8, 1988, that appellant and her husband not surveil [sic] the minors or attempt to obtain information about them from their treating therapist or medical physician, and that DCS notify the parents' counsel if either minor develops a medical problem. We ruled that the order was appealable but that the appeal had become moot as to John's

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[2] Our previous decision was rendered in an unpublished opinion, B038588, styled In re John W. and Irene W., Minors.

sister, and on the merits, we found no error in the orders of the juvenile court concerning John. We therefore dismissed the appeal as to the sister and otherwise affirmed.

Shortly before our decision was announced, the juvenile court made another of its status quo orders. This order, of October 24, 1989, maintained all previous orders in full force and effect, ordered John to remain in therapy, directed DCS to inform the court of the status of the pending appeal and the outcome of a personal injury lawsuit, and continued the matter to January 25, 1990 for further judicial review. This is the first of the three orders from which the instant appeal is taken.

Appellant filed petitions under section 388 on November 20, 1989, and December 15, 1989, seeking new hearings and a termination of juvenile court jurisdiction. These petitions were denied in separate orders issued on December 27, 1989. There are other orders from which appellant appeals.[3]

DISCUSSION

A. Appealability

The right to appeal a juvenile court adjudication is entirely statutory. (In re T.M. (1988) 206 Cal. App.3d 314, 316.) The governing

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[3] Neither appeal document is captioned "Notice of Appeal." The first is styled "Appeal of 10-24-89 Minute Order," and the second "Emergency Appeal from Juvenile Court." Each was filed with the clerk of the trial court, and we regard both of them as being in compliance with the Rules on Appeal governing notice and timeliness. (Cal. Rules of Court, rules 1, 2.)

provision in dependency cases is section 395, which provides in pertinent part that "[a] judgment in a proceeding under Section 300 may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment;... A judgment or subsequent order entered by a referee shall become appealable whenever proceedings pursuant to Section 252, 253, or 254 have become completed or, if proceedings pursuant to Section 252, 253 or 254 are not initiated, when the time for initiating the proceedings has expired."

The July 21, 1987 order declaring John to be a dependent ward and removing him from the custody of his parents was made by a judge of the superior court, and is an appealable order. (See In re

Corey (1964) 230 Cal.App.2d 813, 820 [appeal from order made under section 778, from which section 388 is derived, is appealable]; cf. In re Timothy N. (1975) 48 Cal.App.3d 862, 867; cf. § 249 [removal order of referee not yet approved by judge is not appealable].) Consequently, subsequent orders, including those from which review is sought in the instant proceeding, are appealable.

B. The October 24, 1989 Order

As we have seen, this order simply maintained previous orders in full force and effect, directed that the minors remain in therapy, and set a further hearing at which DCS was ordered to provide a status report on the appeal then before us, and on a pending civil suit for personal injuries (apparently

brought on behalf of the minor). In her attachments to the "appeal" filed with the trial court, and on appeal, appellant attacks the original wardship determination, argues that the court refused to enforce its order that DCS arrange family reunification service, argues that the permanency planning hearing should not be held, and provides an unauthenticated list of maladies and symptoms which she claims John is suffering as a ward and which did not afflict him when he was with his parents. But petitioner submitted to the original dependency adjudication by her "no contest" plea to the section 300 petition, and she cannot now be heard to attack the original validity of the ensuing order. That order of October 24 maintained all other orders then in

effect. The only thing that it added was a direction to DCS to provide a status report about the outcome of the appeal and personal injury matters, then pending. No cognizable basis of judicial error is presented with respect to the order. Finding no error, we shall affirm the order.

C. The Order Denying the November 20, 1989 Section 388 Petition

Section 388 authorizes "[a]ny parent... having an interest in a child who is a dependent child of the juvenile court... upon grounds of change of circumstance or new evidence, [to petition] the court... for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court." The petition must be verified and "set forth in concise language any change of

circumstance or new evidence which are alleged to require such change of order or termination of jurisdiction."

If it appears that the best interests of the child may be promoted by the proposed change or order of termination of jurisdiction, the court is to order a hearing and cause notice to be given.

Section 388 is derived from a more general provision, section 778. It has been held that in reviewing a petition under section 778, "the trial court must necessarily consider the matters which formed the basis of the order previously made in order to ascertain whether there has been a 'change of circumstance' or 'new evidence' warranting a change, modification or setting aside of such

previous order." (In re Corey, supra, 230 Cal.App.2d at p. 831.)

While the burden of establishing the basis for a wardship is initially on the party seeking that order (the DCS in this case), once the order is made, the burden of showing that there is a changed circumstance or new evidentiary matter warranting a modification is with the parent or other person seeking that change. (See In re B.G. (1974) 11 Cal.3d 679,691; In re Francecisco (1971) 16 App.3d 310,314.) "[T]he modification or termination of an order previously made by a juvenile court rests within its discretion, and its order of granting or refusing an application for modification or termination may not be disturbed unless there has been an abuse

of discretion." (In re Corey, supra, 230 Cal.App.2d at 832.)

Appellant's November 20, 1989 petition asserted that DCS disobeyed court orders in the following respects: failure to obey parental visitation orders; moving the minors without a court hearing and agreement "of all parties concerned"; disobedience of the order for family reunification services; refusal to take the minors to an organization that provides such services and, instead, taking them to one that did not; and refusal to give medical information to the parents, their attorney or to relatives.

The only documents presented to support these allegations are copies of court minute orders directing visitation, child reunification

services, therapy and counseling, and a letter to DCS from the "Director of Adult Services" of Pacific Clinics. In that letter, the author states that the clinic does not offer family reunification services "per se," and that a discussion with appellant "turned up no specific individual issues she should work on or that she wanted to work on," a prerequisite to the clinic's taking patients in appellant's geographic area. (Emphasis in original.)

This is an insufficient showing of disobedience by DCS of court orders. But even if it were sufficient, the remedy for such disobedience would be an appropriate enforcement order, such as an order for sanctions. Absent a showing that the best interest of the child warranted a change in the order

for visitation, reunification services, therapy and counseling, the court would have no basis to change its order, much less to terminate the entire dependency proceeding, as appellant asked it to do.

Such termination appears to be the objective of appellant's petition. In it she asked for custody of John, claimed that he is being illegally detained by DCS, and, without supporting declarations, denied that he has been abused and neglected while in the care of DCS.

We find no abuse in discretion in the denial of the November 20, 1989 petition.

D. The Order Denying the December 15, 1989 Section 388 Petition

In her second section 388 petition, appellant again argued that DCS had no right to detain John as against the

paramount rights of his parents. She also argued that John is eligible for welfare benefits as a legally blind person, and that "[i]t is public knowledge that the state places in Group Homes teenagers [sic] who are on probation and who have been on drugs," and that John's placement in such a facility would violate the rights of his parents. Appellant also attached a one-page, unauthenticated chart that apparently seeks to compare John's physical condition under DCS jurisdiction with his condition when he was with his parents. All of this was either previously argued and rejected, was factually unsupported, or both.

One argument was presented, however, that had not been argued before: that "family dysfunction" is no

longer a basis for a determination of dependency. This argument is substantially amplified in appellant's opening brief. The argument is, in essence, that section 300, subdivision (a) was amended and that the present version of the statute does not cover the situation that had been presented to the court.

The new version, which became operative on January 1, 1989 (Stats. 1987, ch. 1485, § 4) requires a showing of substantial risk that "the minor will suffer, serious physical harm inflicted nonaccidentally upon the minor by the minor's parent or guardian."[4]

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[4] The entire subdivision now reads:

"(a) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted nonaccidentally upon the minor by the minor's parent or guardian. For

Since the amended petition to which appellant and her husband entered a "no contest" plea contained no such allegations, she argues that the resulting detention order is no longer valid.

We do not agree. First, we examine the actual language of the statute. It provides that "Any minor who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that

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the purpose of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the minor or minor's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, 'serious physical harm' does not include reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury."

person to be a dependent child of the court." It speaks as to what the court may do in the future; it does not address the effectiveness of orders already made. It is, of course, a general maxim of statutory construction that statutory amendments are not retroactively applied to invalidate prior acts unless a legislative intent to effect such invalidation clearly appears. (See Interinsurance Exchange v. Ohio Cas. Ins. Co. (1962) 58 Cal.2d 142, 149.) The statutory language in this case not only does not demonstrate an intent that the statute be retroactively applied, its use of present tense language in the opening provision is inconsistent with that result.

The construction argued by appellant would result in unchecked mischief, as any number of section 300, subdivision (a) wardship determinations, valid when made, would be undone because the pleading or proof did not satisfy the new standard. The problem is compounded by the successive changes that have been made to section 300. The present version was to expire on January 1, 1990, but was extended until the end of 1991, when still another version is to go into effect. (See Stats. 1987, ch. 1485, § 4.5, and Stats. 1989, ch. 913, §§ 3 and 4; see discussions in 2 California Juvenile Court Practice, § 15.1 (CEB, 1990 Supp.).)

We do agree that the statutory change presents a basis for a parent whose child was declared a dependent

under the earlier version, to request a change of status under section 388. The juvenile court may consider the change in law, together with all of the merits of the case, in deciding whether to change its previous order. Presumably, the juvenile court did so pursuant to appellant's petition, and determined that a change was not appropriate. There is no showing that it abused its discretion.

CONCLUSION

The orders appealed from are affirmed.

NOR FOR PUBLICATION IN
THE OFFICIAL REPORTS

1987 Version of California Welfare and Institutions Code Section 300

300. Persons within jurisdiction of court. Any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising care or control, or has no parent, guardian, or custodian actually exercising care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home

or suitable place of abode, except that no person may be adjudged a dependent child solely due to the lack of an emergency shelter for the family.

(c) Who is physically dangerous to the public because of a mental or physical deficiency, disorder, or abnormality.

(d) Whose home is an unfit place for him or her by reason of neglect, cruelty, depravity, or physical abuse of either of his or her parents, or of his or her guardian or other person in whose custody or care he or she is.

(e) Who is under the age of three and whose home is an unfit place for him or her as a result of severe physical abuse of the minor by a parent, or by any person known by the parent, if the parent knew or reasonably should have

known that that person was physically abusing the minor. For the purpose of this section, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(f) Who has been freed for adoption from one or both parents for 12 months by either relinquishment or

termination of parental rights and for whom an interlocutory decree has not been granted pursuant to Section 224n of the Civil Code or an adoption petition has not been granted.

(g) It is the intention of the Legislature in enacting the amendments to subdivision (a) enacted at the 1985-86 Regular Session, to assure that courts, in making a determination pursuant to subdivision (a) shall not focus upon the fact that a parent has a physical disability. The Legislature declares that a physical disability, such as blindness or deafness, is no bar to the raising of happy and well-adjusted children and that a court's determination pursuant to subdivision (a) should center upon whether a

parent's disability prevents him or her from exercising care and control.

(Amended by Stats. 1978, Ch. 539; Stats. 1982, Ch. 977, operative 10/1/82; Stats. 1985, Ch. 1548; Stats. 1986, Ch. 1122.)

Present Version of California Welfare and Institutions Code Section 300

300. Persons within jurisdiction of court. Any minor who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court.

(a) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted nonaccidentally upon the minor by the minor's parent or guardian. For the purpose of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the minor or the minor's siblings, or a combination

of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury.

(b) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the minor, or the willful or negligent failure of the minor's parent or guardian to adequately supervise or protect the minor from the conduct of the custodian with whom the minor has been left, or by the willful or

negligent failure of the parent or guardian to provide the minor with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the minor due to the parent's or guardian's mental illness, developmental disability, or substance abuse. No minor shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a minor comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical

treatment, nontreatment or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the minor from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian (2) the risks to the minor posed by the course of treatment or nontreatment proposed by the parent or guardian (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The

minor shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the minor from risk of suffering serious physical harm or illness.

(c) The minor is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. No minor shall be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious

belief and if a less intrusive judicial intervention is available.

(d) The minor has been sexually abused, or there is a substantial risk that the minor will be sexually abused, as defined in subdivision (b) of Section 11165 of the Penal Code, by his or her parent or guardian or member of his or her household, or the parent or guardian has failed to adequately protect the minor from sexual abuse when the parent or guardian knew or reasonably should have known that the minor was in danger of sexual abuse.

(e) The minor is under the age of five and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the minor.

For the purposes of this subdivision, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness. A minor may not be removed from the physical custody of his or her parent or guardian on the basis of a finding of severe physical abuse unless the probation

officer has made an allegation of severe physical abuse pursuant to Section 332.

(f) The minor's parent or guardian has been convicted of causing the death of another child through abuse or neglect.

(g) The minor has been left without any provision for support; or the minor's parent has been incarcerated or institutionalized and cannot arrange for the care of the minor; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent is unknown, and reasonable efforts to locate the parent have been unsuccessful.

(h) The minor has been freed for adoption from one or both parents for 12

months by either relinquishment or termination of parental rights and an interlocutory decree has not been granted pursuant to Section 224n of the Civil Code or an adoption petition has not been granted.

(i) The minor has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the minor from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the minor was in danger of being subjected to an act or acts of cruelty.

(j) The minor's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the

minor will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the minor.

It is the intent of the Legislature in enacting this section to provide maximum protection for children who are currently being physically, sexually, or emotionally abused, being neglected, or being exploited, and to protect children who are at risk of that harm. This protection includes provision of a full array of social and health services to

help the child and family and to prevent reabuse of children. That protection shall focus on the preservation of the family whenever possible. Nothing in this section is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting. Further, nothing in this section is intended to limit the offering of voluntary services to those families in need of assistance but who do not come within the descriptions of this section. To the extent that savings accrue to the state from child welfare services funding obtained as a result of the enactment of the act that enacted this section, those savings shall be used to

promote services which support family maintenance and family reunification plans, such as client transportation out-of-home respite care, parenting teaching and demonstrating homemaking skills. The Legislature further declares that a physical disability, such as blindness or deafness, is no bar to the raising of happy and well-adjusted children and that a court's determination pursuant to this section shall center upon whether a parent's disability prevents him or her from exercising care and control.

As used in this section "guardian" means the legal guardian of the child.

This section shall remain in effect only until January 1, 1990, and as of that date is repealed, unless a later enacted statute, which is enacted before

January 1, 1990, deletes or extends that date.

(Stats 1987 ch 1485--Operative 1/1/89 until 1/1/90)(First of two)

Original Dependency Petition Text

MINORS NORMALLY RESIDE IN THE HOME OF THEIR PARENTS, AND:

COUNT I: ON NUMEROUS OCCASIONS MINORS' PARENTS HAVE ENDANGERED MINORS PHYSICAL HEALTH AND SAFETY BY FAILING TO OBTAIN NEEDED MEDICAL ATTENTION IN A TIMELY MANNER.

COUNT II: ON AN ONGOING BASIS MINORS' PARENTS HAVE INFLICTED NUMEROUS BRUISES AND INJURIES ON MINOR JOHN'S BODY. SUCH PUNISHMENT WAS EXCESSIVE AND CAUSED SAID MINOR UNREASONABLE PAIN AND SUFFERING.

COUNT III: ON AN ONGOING BASIS MINORS' HOME IS FOUND TO BE IN A FILTHY, UNSANITARY, AND UNHEALTHY CONDITION. SUCH CONDITION INCLUDED STACKS OF DIRTY DISHES AND AN INFESTATION OF INSECTS.

COUNT IV: MINORS' PARENTS HAVE ESTABLISHED A HOME ENVIRONMENT THAT IS DETRIMENTAL TO MINORS' PHYSICAL AND EMOTIONAL HEALTH AND SAFETY. DETRIMENTAL FACTORS INCLUDE, BUT ARE NOT LIMITED TO, OVERT REJECTION BY PARENTS, AND CONTINUOUS VERBAL AND PHYSICAL HARRESSMENT [sic] BY PARENTS.

PARAGRAPH II SUBDIVISION D: THE HOME OF SAID MINORS IS AN UNFIT PLACE FOR SAID MINORS BY REASON OF THE NEGLECT, CRUELTY, PHYSICAL AND EMOTIONAL ABUSE BY PARENTS, JOHN AND IRENE WOFFORD, FOR THE FOLLOWING REASONS: THE FACTS AS SET FORTH IN PARAGRAPH I ABOVE ARE HEREBY INCORPORATED AND MADE PART HEREOF.

Amended Dependency Petition Text

MINORS NORMALLY RESIDE IN THE HOME OF THEIR PARENTS, AND:

COUNT I: MINORS HAVE SPECIAL AND UNIQUE PROBLEMS. FURTHER, THERE EXISTS A FAMILY DYSFUNCTION OF A SEVERE NATURE DUE TO ALLEGATIONS MADE BY MINORS. DUE TO THESE CIRCUMSTANCES, ASSISTANCE OF THE JUVENILE COURT IS REQUIRED.

Text of Trial Court's October 24, 1989 Permanency Planning Order

MATTER IS BEFORE THE COURT FOR PERMANENCY PLANNING HEARING WIC 366.25 RE: WIC 300 PETITION FILED 4-8-87

Court finds notice of proceedings has been given as required by law.

Court finds report received from DCS.

THE COURT ORDERS:

Minor is continued as a dependent child of the Court under WIC 300, Subdivisions A.

Order for SUITABLE PLACEMENT dated 7-21-87 to remain in full force and effect.

All prior orders to remain in full force and effect.

Minor to remain in therapy.

DCS to furnish report on outcome of appeal and status on outcome of all [illegible] personal injury lawsuit.

THE MATTER IS CONTINUED:

APPEARANCE CALENDAR of 1-25-90 in Dept. 237 for JUD. REV.

Supreme Court, U.S.
FILED
AUG 29 1991
OFFICE OF THE CLERK

NO. (3)

91-57

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

IRENE B. WOFFORD,

Petitioner

Versus

DEPARTMENT OF PUBLIC SOCIAL SERVICES
COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA

Respondent

PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF APPEAL OF THE SECOND APPELLATE
DISTRICT, FOURTH DIVISION
STATE OF CALIFORNIA

PETITIONER'S REPLY BRIEF

Irene B. Wofford
IN PROPRIA PERSONA
288 Congress Place
Pasadena, CA 91105
(818) 799-4570

51pp

QUESTIONS

1. DOES RESPONDENT HAVE THE RIGHT TO CHANGE THE RULES OF THE U.S. SUPREME COURT IN ARGUING THAT PETITIONER'S WRIT OF CERTIORARI WAS DOCKETED IN AN "UNTIMELY" MANNER ON JULY 8, 1991 AFTER THE "STATE COURT OF LAST RESORT" IN CALIFORNIA DENIED ON APRIL 10, 1991 PETITIONER'S REQUEST TO REVIEW THE WOFFORD CASE AND DENIED ON APRIL 24, 1991 HER REQUEST TO VIEW AND COPY HER MINOR SON'S RECORDS?
2. DOES THE STATE OF CALIFORNIA HAVE THE RIGHT TO CHANGE THE CONSTITUTION OF THE UNITED STATES BY TAKING AND DETAINING NON-ABUSED AND WELL-CARED-FOR MINOR JOHN DAVID WOFFORD ON NEW 1989 LAW CODE WIC 300(a)?
3. DOES THE STATE OF CALIFORNIA HAVE THE RIGHT TO CHANGE THE CONSTITUTION OF THE UNITED STATES BY TAKING AND DETAINING NON-ABUSED AND WELL-CARED-FOR MINOR JOHN DAVID WOFFORD ON **REPEALED** 1987 LAW CODE WIC 300(a) WHICH IN NO WAY RESEMBLES NEW LAW CODE WIC 300(a) EFFECTIVE JANUARY 1, 1989?

INTERESTED PARTIES

RESPONDENTS:

1. **SUPREME COURT OF THE STATE OF CALIFORNIA (OFFICE: COUNTY OF LOS ANGELES)**
   300 South Spring Street
   Los Angeles, California 90013
   (214) 736-2902

2. **COURT OF APPEAL, IN THE COUNTY OF LOS ANGELES, IN THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION FOUR**
   300 South Spring Street
   Los Angeles, California 90013
   (214) 736-2652

3. **JUVENILE DEPENDENCY COURT OF THE COUNTY OF LOS ANGELES, IN THE STATE OF CALIFORNIA, ADMINISTRATIVE SECTION**
   Attn: Honorable Presiding Judge
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PETITIONER:

IRENE B. WOFFORD, In Propria Persona
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6. Suspected Child Abuse Report 11166PC, 1/4/88. Signed by Dr. Robert John Parsons, Ph.D., Clinical Director, Psychology, Pacific Clinics.

7. County of Los Angeles Services Activity Log, Department of Children's Services, 4/30/87.

8. Department of Children's Services File 20, 7/29/87.

9. CAL.APP.3DIST.1985. WEST'S ANN.CAL.CIV. CODE 232, 232(a)(2). Finding of dependency under West's Ann.Cal.Welf.&Inst. Code 300(a).

OPINIONS OF LOWER COURTS

Respondent is attempting to include the November 17, 1989 Court of Appeal denial of a totally separate appeal made by Petitioner (which Petitioner did not take to the California Supreme Court) with Petitioner's appeal that was denied by the Court of Appeal on January 22, 1991. This denial of Petitioner's appeal on January 22, 1991 by the Court of Appeal is the denial which Petitioner did take to the California Supreme Court--the "State Court of last resort".

Petitioner followed Rule 13.1 of the U.S. Supreme Court since on April 10, 1991, the Supreme Court of the State of California denied discretionary review of the case. Petitioner then filed a Writ of Certiorari with the U.S. Supreme Court which was docketed in a "timely" manner on July 8, 1991--within less than 90 days from the date of denial by the California State Supreme Court.

CONSTITUTIONAL RIGHTS VIOLATED

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right to the people peaceably to assemble, and to petition the government for a redress of grievances.

AMENDMENT V

No person shall be...deprived of life, liberty, or property, without due process of law....

AMENDMENT XIV

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I. STATEMENT OF THE CASE

On April 7, 1987, Petitioner's two minor children, 14-year-old John David Wofford (hereinafter referred to as John David) and 16-year-old Irene Donna Wofford (hereinafter referred to as Irene Donna), were enticed to run away from home by their 23-year-old sister, Sharon Wofford (hereinafter referred to as Sharon), so they could apply for SSI, a form of welfare. (Both minors are eligible for SSI due to the fact that they are legally blind.) Their 23-year-old sighted sister, Sharon, was unemployed.

The minors and their sister Sharon told bizarre lies and/or delusions about their parents which were thoroughly checked out by the County of Los Angeles Sheriff's Department, Juvenile Investigations Bureau/Child Abuse Detail, and subsequently the case was cleared and dismissed on April 22, 1987. All of these same false allegations (including the request for "extra security" and the confidentiality of the minors' addresses) were cleared and

dismissed by the Juvenile Court on July 21, 1987, at which time the Court offered Family Reunification Services. My husband and I pled "no contest" to this service offered by the Juvenile Court since the Court refused to permit the minors to return home.

A. Petitioner's Response to "Confidentiality" Order

1. Juvenile Court Ordered "Confidentiality" of Minors' Addresses and Phone Numbers

Respondent states on page 5 of Respondent's Brief: "On June 2, 1987...the court ordered that the minors' address be kept confidential from the parents, and noted that extra security might be necessary for the parties' next court appearance". This order of the Juvenile Court was unknown to either my husband or me for over one year until a Clerk accidentally found this order which was not with the case files. When I learned of this, I immediately petitioned for a copy of it and on August 23, 1988 I filed a request with the Juvenile Court that the minors' addresses and telephone numbers not be kept confidential from their parents. This

information was subsequently filed with the Court of Appeal, Second Appellate District, Division Four, in the State of California, and with the Supreme Court of the State of California (hereinafter referred to as Court of Appeal and California Supreme Court, respectively.

2. Administrative Section of Juvenile Court Gives Petitioner Minors' Numerous Addresses and Phone Numbers

The Respondent stated on page 6 of the Response Brief that "on November 17, 1987, the court reaffirmed that the children's address[es were] to remain confidential". Even though the Juvenile Court did order that the minors' addresses remain confidential from their parents, the Administrative Section of the Juvenile Court, to which the Juvenile Court is responsible, gave me all of the minor's addresses. Minor John David's numerous addresses which the Administrative Section of the Juvenile Court gave me are as follows:

John David Wofford
c/o MacLaren Children's Center
El Monte, California

John David Wofford
c/o Sharon Wofford
550 W. Duarte #40
Monrovia, California 91016

John David Wofford
c/o Sharon Wofford
4921 Cloud Ave.
La Crescenta, California 91214

John David Wofford
c/o Sharon Wofford
162 S. Grandview Ave.
Glendale, California 91201

John David Wofford
c/o Sharon Wofford
Chester Avenue
Pasadena, California

John David Wofford
c/o Fred & Alma Prismantis
2366 Pickens Canyon Rd.
La Crescenta, California 91214

John David Wofford
c/o Human Services Network
10222 Kalua Drive
Sunland, California 91040

David John Wofford
c/o Irene Donna Wofford
435 N. Wilson #5
Pasadena, California 91106

According to the Department of Children's Services, John David now has his own residence. This makes a total of nine different addresses within the unstable environment provided for John David by the Respondent.

a. "Extra Security" Order Effective Only From June 2, 1987 to July 2, 1987

The Administrative Section of the Court understood that the June 2, 1987 Minute Order, which stated that "extra security" might be needed, only lasted until July 2, 1987--until the court hearing. By July 2, 1987, the Administrative Section of the Juvenile Court also understood that the allegations which the minors made against their parents were unfounded and false.

(1) John David Afraid Respondent's Caretakers at MacLaren Hall Were Trying to Kill Him!

Our minors were afraid that <u>everyone</u> was going to "kill" them! This was thoroughly documented in my August 23, 1988 document with its numerous exhibits which were filed with the Juvenile Court and later in the Court of Appeal and the Supreme Court of California.

John David even thought that Children's Services workers at MacLaren Hall (a facility where Los Angeles County places <u>allegedly</u> abused minors), were going to "poison" him

(Juvenile Investigations Bureau/Child Abuse Detail, April 22, 1987). However, the "pill" they gave him was "not restrictive"--it was only a "Vitamin C tablet"!

After July 21, 1987, when all allegations against my husband and me were dismissed, the previous order of confidentiality of our minor's addresses no longer applied.

B. Petitioner Alleges that Respondent Ordered Continued "Confidentiality" to Cover Up Abuse of John David Wofford While in Foster Care

I am alleging that Respondent ordered that I not be able to obtain any independent medical information about John David so as to cover up child abuse and/or neglect by Respondent's "caretakers", as has been thoroughly documented in my briefs and numerous exhibits filed in California Courts. Following is a brief synopsis.

1. John David's Therapist Reported "Suspected Child Abuse" by Respondent's Court-Appointed Caretaker/Sister Sharon Wofford

Abuse of minor John David by his first Court-appointed Caretaker, 23-year-old sister

Sharon, was reported by Dr. Robert John Parsons, Ph.D.. According to Dr. Parsons,

> David called me through the exchange and reported his sister had been... hitting him and the two of them fighting.

This "suspected child abuse" by John David's Court-appointed caretaker "left bruises on his arm", according to Dr. Parsons (Suspected Child Abuse Report (11166PC) dated 1/4/88).

Also, according to Sharon,

> David's sick and has been in and out of Emergency Room (County of Los Angeles Services Activity Log, Department of Children's Services, 4/30/87).

While in the care of his sister Sharon, medical records stated that John David also had a "Fx lower limb" which was treated on 11/16/87. On 1/4/88, John David was removed from his sister's care and placed in the care of unlicensed foster parents Fred and Alma Prismantis. Then, on 1/21/88, medical records show that John David had "Bone and Cartilage Dis Nec".

2. Glass Fragments Embedded in Minor's Knee Three Weeks Before Respondent's Unlicensed Caretakers Obtain Medical Aid

On May 26, 1988, Mr. and Mrs. Fred Prismantis, John David's new "caretakers", brought him to the Huntington Memorial Hospital in Pasadena. According to medical records, there was "open wound knee/leg complications" and a "fall from building". These Department of Children's Services "caretakers" allowed two pieces of glass to remain embedded in minor John David's knee for three weeks prior to taking him to the hospital where the glass was surgically removed and he was consequently hospitalized for three days. His knee was very tender, and there was a draining abscess.

In 1988, John David was also treated for "joint pain-L/leg", "cellulitis of leg", "Infect/Parasite Dis Nos", "Pediculus Capititis", "Jt derangement Ned-L/Leg", and on 7-11-88 Pasadena Dispensary records show that John David continued to have "pain while walking in full extension" of leg.

3. Legally Blind Minor Almost Killed by Car When Forced to Cross Busy Boulevard While Living in Group Home

At Human Services Network, the new "caretakers" residence, John David was forced to cross a busy boulevard where the speed limit is 45 mph and which had no traffic light or marked crosswalk. John David was subsequently struck by a car and thrown 20 ft. into the air across the road, according to the Police Report. He was transported to Huntington Memorial Hospital by Air Ambulance. He had a displaced shoulder fracture right side and pelvis fracture. John David then had to have brain surgery--a craniotomy evacuation of a subdural hematoma.

After I learned of the above documented instances of "institutionalized abuse and neglect" of John David while in Respondent's "care", the Juvenile Court ordered that I not be allowed to obtain any further independent medical information. (Respondent has not permitted us, the minors' parents, to have any information whatsoever concerning their health,

education and welfare since they were enticed to run away from home on April 7, 1987.)

C. Respondent Lost All Contact With Petitioner's Minors for Weeks!

1. Petitioner Hired Nick Harris Detectives to Locate Her Missing Minors

Regarding "surveillance" of the minors, my husband and I hired Nick Harris Detective Agency only once to put the minors under surveillance in order to find John David and his sisters because Respondent had lost all contact with them! For example, on 7/14/87 the Department of Children's Services attempted to visit the minors at their Duarte Road address.

> A woman said that Irene didn't live there anymore and refused to tell CSW where she was residing.... CSW left message on Sharon Wofford's home phone... (Department of Children's Services File 20, July 14, 1987).

The Department of Children's Services File 20 Records of 7/29/87 state that

> CSW STILL HASN'T HEARD FROM MINORS OR THEIR SISTER! (Department of Children's Services File 20, 7-29-87, emphasis added).

The minors had been lost from Respondent for a number of weeks when Nick Harris

Detectives found Sharon and the minors to be living in La Crescenta on Cloud Street with a live-in boyfriend called "Jack the Ripper", whom Sharon had just met. Sharon Wofford, Respondent's Court-Appointed "caretaker" of minor John David, told the undercover agent that

> ...she [Sharon Wofford] did not live there, was visiting friends, the friends were not home and she did not know the names of her friends. (Report issued by Nick Harris Detectives, Inc. Founded 1906, Older than the F.B.I., signed by Milo A. Speriglio, Director-and-Chief.

At that point, Petitioner informed Respondent of the minors' whereabouts!

D. Juvenile Court and Court of Appeal Disagree on Meaning of "No Contest" Plea by Wofford Parents

On page 8 Respondent stated that "the appellate court pointed out that petitioner was foreclosed by her earlier 'no contest' plea in its October 24th ruling".

This appellate court ruling is in disagreement with the Juvenile Court which twice ordered Family Reunification Services. If the Juvenile Court intended the "no contest"

plea to mean that petitioner was "foreclosed" from regaining custody of her teenage minors, the Juvenile Court would not have ordered "Family Reunification Services".

Petitioner has never agreed to give custody of John David Wofford to the Courts of the State of California. Petitioner only agreed not to contest the Court's offer to provide Family Reunification Services.

II. U.S. SUPREME COURT DID NOT MAKE A MISTAKE IN DOCKETING CASE NO. 91-57

A. Petitioner's Writ of Certiorari Filed in "TIMELY" Manner

In answer to Respondent's implication that the United States Supreme Court made an error by docketing Case No. 91-57, the U.S. Supreme Court obviously did not make such an error. Petitioner followed the Rules of the U.S. Supreme Court and requested her Writ of Certiorari in a "timely" manner.

Respondent stated that Supreme Court Rule 13.1 requires the filing of a petition for Writ of Certiorari within 90 days after the entry of judgment. That is exactly what Petitioner did!

However, Respondent erroneously stated that Petitioner had filed over a year and one-half too late.

Petitioner is within the time limits according to Rule 13.1 of the United States Supreme Court (A1). Petitioner requested a Writ of Certiorari "within 90 days after the entry of the order denying discretionary review". The Supreme Court of California denied its review of the Wofford case on April 10, 1991 and denied my petition to obtain minor John David's records on April 24, 1991 (refer to Petitioner's Petition for Writ of Certiorari, p.2). The docketing of Petitioner's Writ of Certiorari on July 8, 1991 was in a "timely" manner.

Rule 13.1 does not give authority to file a Writ of Certiorari after a case has only been heard by the State Court of Appeal (A1). Rather, the rules of the United States Supreme Court require that prior to filing a petition for a Writ of Certiorari, the petitioner must first go to the "State Court of last resort".

On Petitioner's 1988 appeal from the Juvenile Court to the Court of Appeal, Petitioner did NOT petition the Supreme Court of the State of California (the "State Court of last resort") to review the order of the Court of Appeal made on November 17, 1989. Rather, Petitioner took the case back to the Juvenile Court, hoping to end the case. Respondent's reasoning that Petitioner was over a year and a half late in filing her Writ of Certiorari is therefore totally invalid.

III. 1989 "REPEAL" OF CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTION 300 SUB-DIVISION (a)--THE SUBDIVISION UNDER WHICH JOHN DAVID WOFFORD WAS DETAINED--SHOULD NOT BE CONFUSED WITH THE 1989 "REVISION" OF OTHER SUBDIVISIONS OF WIC 300 (See A6).

John David should not have been detained as a Dependent Child of the Juvenile Court on either the 1987 WIC 300(a) or the new 1989 WIC 300(a). The 1987 WIC 300 subdivision (a) under which John David was first detained on April 8, 1987 was **totally repealed** on January 1, 1989. The new WIC 300 subdivision (a) became effective on January 1, 1989.

Petitioner is not arguing the entirety of the 1989 revision of WIC Section 300 since **only the REPEALED WIC 300(a)** is the subdivision that Petitioner's son, John David, is currently being held as a Dependent Child of the Juvenile Court--even though he will be 19 years old on his next birthdate. WIC 300(a) was repealed because it was not a valid reason to take permanent custody of minors.

This repealed 1987 WIC 300(a) only concerns the "care" and "control" of minors--not physical abuse. However, it is the Respondent who has not properly cared for or controlled John David--a fact I have thoroughly documented and filed with the state courts in California.

A. Respondent Continues to Detain Minor John David Wofford on REPEALED Law Code WIC 300(a)!

On page 9 of Respondent's Brief, Respondent states that

> ...the unpublished opinion suggested, however, that the revisions might serve as a basis for a supplemental petition --i.e., change of circumstances.

The Court of Appeal gave the Juvenile Court the right to determine whether or not the

change in the law (together with the merits of the case) was sufficient to return the minor to the custody of his parents.

In the Wofford case, the merits of the case are that the **Wofford parents are not guilty of, nor are they charged with, child abuse and/or neglect, abandonment or wrongdoing of any kind.** The minors were exceptionally well-cared for in their parents home in ever way. Their parents love them very much and continually requested custody of them since April 8, 1987!

IV. INTENT OF CALIFORNIA LEGISLATURE REGARDING NEW 1989 WIC 300(a)

The intent of the California Legislature was NOT that non-abused children who were never abused physically, sexually, or emotionally; who were never neglected, never exploited; and who were protected by their parents from risk of such harm, be taken away from their parents to become Dependent Children of the Juvenile Court. "Nothing in this section is intended to disrupt the family unnecessarily or to intrude inappropriately into family life" (WIC 300). The intent of the Legislature is to keep

families together, not to divide them--as the State of California has divided the Wofford family.

The State of California took a NON-abused minor and allowed him to be extremely abused while in their "care"!

V. NO LEGAL GUIDELINES FOR DETAINING MINOR ON "FAMILY DYSFUNCTION"

Petitioner has never at any time conceded that a "family dysfunction" was acceptable grounds for jurisdiction of minor John David. Petitioner has continually requested custody of John David since April 8, 1987! What appeared to be a "family dysfunction" was, in fact, the mental illness of the minors. In reality, this was not a family dysfunction.

There is no law defining the legal guidelines of a "family dysfunction". There is no such existing law in the State of California that says the Juvenile Court can take permanent custody of a minor on a "family dysfunction", which in the Wofford case the Juvenile Court stated was due to the allegations of the minors

against their parents, which were PROVED to be outright lies.

There are, however, legal grounds for innocent parents to have custody of their minors (C.C. 7004, infra, 413; 91; Constitution of the United States, Amendments 1, 5, and 14). Custody of minors should remain with their parents unless they are proved to be child abusers by clear and convincing evidence (C.C. 232(c) 28 C3d 919; Santosky vs Kramer (1982) 455 U.S. 745, 102 S.Ct. 1388,71 L.Ed.2d 599; 102 S.Ct. 1402, 71 L.Ed. 2d 617).

A. BIZARRE LIES and/or DELUSIONS of John David and Sisters Not Legal Grounds for Detaining and Retaining Jurisdiction of Minor by Court

There are absolutely no legal grounds for taking custody of the Wofford minors because they told lies about their parents in order to live with their unemployed sister so she could apply for welfare money from the State.

VI. JUSTIFICATION FOR GRANTING CERTIORARI

Recognizing that the preferred types of cases are not exhaustive, petitioner submits that the issue of child abuse in this nation is

an extremely important issue--especially when a State can detain a non-abused minor and then subject him to extreme and even life-threatening abuse and neglect in the homes of State-approved "caretakers". (It should be noted that Respondent can receive funding of up to $6,000 per month for each minor detained by the County in group homes, according to "California Stories", Channel 28 in Los Angeles).

VII. CONCLUSION

I am requesting that my Writ of Certiorari be granted for the following reasons:

1. The State of California has subjected our entire family to incredible anguish and suffering by violating my husband's and my Constitutional Rights to rear, educate, and care for our son, John David, who was always well-cared for by his innocent parents prior to being detained by Respondent.

2. The State of California should be informed that it is illegal to take custody of non-abused minors and place them in life-

threatening environments where they become abused and neglected minors under Respondent's foster care program. And the other states must also be made aware that such illegal actions will not be tolerated in this free society. If all the states in the Union followed the example of the State of California by taking non-abused minors like John David into State care, the cost to this nation could be billions of dollars. More importantly, it would take way the constitutionally protected rights of all American parents to rear, nurture, educate, care for and provide for their children!

Respectfully Submitted,

IRENE B. WOFFORD

APPENDIX

SUPREME COURT RULE 13.1

A petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a **state court of last resort**, a United States court of appeals, or the United States Court of Military Appeals **shall be deemed in time when it is filed with the Clerk of this Court within 90 days after the entry of the judgment.** A petition for a writ of certiorari seeking review of a judgment of a lower state court which is subject to discretionary review by the state court of last resort shall be deemed in time when it is filed with the Clerk within 90 days after the entry of the order denying discretionary review.

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT JUVENILE INVESTIGATIONS BUREAU/CHILD ABUSE DETAIL

04/22/87 -- "On 05/01/87 at 1300 hours, I spoke with Deanne Tilton (818-575-4362), the wife of Dr. Michael Durfee, Director of Health

Services. Deanne, who works at MacLaren Hall, and her husband became personally involved in this case through a friend of Sharon Wofford's who is involved with Child Help. After Donna and David were detained then released into their sister's custody, Sharon and the kids came to the Durfee's home in La Canada and spoke with Deanne and Michael about the case. Deanne also received a dark red tablet (Evidence Held #1) from David, who indicated that someone at MacLaren Hall gave it to him before he got on the bus to go to the dependency court hearing. Instead of ingesting the tablet, he hid it under the cast which was on his left hand.

"Evidence Held #1, one dark red tablet, was booked into evidence and submitted to the Sheriff's Crime Lab for analysis. Preliminary findings revealed that the tablet in question was not restrictive and is in fact, Vitamin C".

1987 WELFARE AND INSTITUTIONS CODE 300

300. Persons subject to jurisdiction

Any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guarding willing to exercise or capable of exercising care or control, or has no parent, guardian willing to exercise or capable of exercising care or control, or has no parent, guardian or custodian actually exercising care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode, except that no person may be adjudged a dependent child solely due to the lack of an emergency shelter for the family.

(c) Who is physically dangerous to the public because of a mental or physical deficiency, disorder, or abnormality.

(d) Whose home is an unfit place for him or her by reason of neglect, cruelty, depravity, or physical abuse of either of his or her parents, or of his or her or other person in whose custody or care he or she is.

(e) Who is under the age of three and whose home is an unfit place for him or her as a result of severe physical abuse of the minor by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that that person was physically abusing the minor. For the purpose of this section, severe physical abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising,

significant external or internal swelling, bone fracture, or unconsciousness.

(f) Who has been freed for adoption from one or both parents for 12 months by either relinquishment or termination of parental rights and for whom an interlocutory decree has not been granted pursuant to Section 224n of the Civil Code or an adoption petition has not been granted.

(g) It is the intention of the legislature in enacting the amendments to subdivision (a) enacted at the 1985-86 Regular Session, to assure that courts, in making a determination pursuant to subdivision (a) shall not focus upon the fact that a parent has a physical disability. The Legislature declares that a physical disability, such as blindness or deafness, is no bar to the raising of happy and well-adjusted children and that a court's determination pursuant to subdivision (a) should center upon whether a parent's disability prevents him or her from exercising care and control.

300. Minors subject to jurisdiction; legislative intent and declarations; guardian defined duration

Any minor who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court.

(a) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted nonaccidentally upon the minor by the minor's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the minor or the minor's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this

subdivision, "serious physical harm" does not include reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury.

(b) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the minor from the conduct of the custodian with whom the minor has been left, or by the willful or negligent failure of the parent or guardian to provide the minor with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the minor due to the parent's or guardian's mental illness, developmental disability, or substance abuse. No minor shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a minor comes within the jurisdiction of the court on the

basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenants and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the minor from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian (2) the risks to the minor posed by the course of treatment or nontreatment proposed by the parent or guardian (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The minor shall continue to be a dependent

child pursuant to this subdivision only so long as is necessary to protect the minor from risk of suffering serious physical harm or illness.

(c) The minor is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. No minor shall be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

(d) The minor has been sexually abused, or there is a substantial risk that the minor will be sexually abused, as defined in subdivision (b) of Section 11165 of the Penal Code, by his or her parent or guardian or a member of his or her household, or the parent or guardian has

failed to adequately protect the minor from sexual abuse when the parent or guardian knew or reasonably should have known that the minor was in danger of sexual abuse.

(e) The minor is under the age of five and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the minor. For the purposes of this subdivision, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep brushing, or significant external or internal swelling; or more than one acct of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness. A minor may not be removed from the physical custody of his or

her parent or guardian on the basis of a finding of severe physical abuse unless the probation officer has made an allegation of severe physical abuse pursuant to Section 332.

(f) The minor's parent or guardian has been convicted of causing the death of another child through abuse or neglect.

(g) The minor has been left without any provision for support; or the minor's parent has been incarcerated or institutionalized and cannot arrange for the care of the minor; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent is unknown, and reasonable efforts to relocate the parent have been unsuccessful.

(h) The minor has been freed for adoption from one or both parents for 12 months by either relinquishment or termination of parental rights and an interlocutory decree has not been granted pursuant to Section 224n of

the Civil Code or an adoption petition has not been granted.

(i) The minor has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the minor from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the minor was in danger of being subjected to an act or acts of cruelty.

(j) The minor's sibling has been abused or neglected as defined in subdivision (a),(b), (d),(e), or (i), and there is a substantial risk that the minor will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers

probative in determining whether there is a substantial risk to the minor.

1991 WELFARE AND INSTITUTIONS CODE 300

300. Minors subject to jurisdiction; legislative intent and declarations; guardian defined duration

Any minor who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court.

(a) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted nonaccidentally upon the minor by the minor's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the minor or the minor's siblings, or a combination of these and

other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury.

(b) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm or illness, as a result of the failure of his or her parent or guardian to adequately supervise or protect the minor, or the willful or negligent failure of the minor's parent or guardian to adequately supervise or protect the minor from the conduct of the custodian with whom the minor has been left, or by the willful or negligent failure of the parent or guardian to provide the minor with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the minor due to the parent's or guardian's mental illness, developmental disability, or

substance abuse. No minor shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a minor comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenants and practices of a recognized church or religious denomination by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the minor from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian (2) the risks to the minor posed by the course of treatment or nontreatment proposed by the parent or guardian (3) the risk, if any, of the

course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The minor shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the minor from risk of suffering serious physical harm or illness.

(c) The minor is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, or withdrawal, untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian. No minor shall be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

(d) The minor has been sexually abused, or there is a substantial risk that the minor will

be sexually abused, as defined in Section 11165.1 of the Penal Code, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the minor from sexual abuse when the parent or guardian knew or reasonably should have known that the minor was in danger of sexual abuse.

(e) The minor is under the age of five and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the minor. For the purposes of this subdivision, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of

which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness. A minor may not be removed from the physical custody of his or her parent or guardian on the basis of a finding of severe physical abuse unless the probation officer has made an allegation of severe physical abuse pursuant to Section 332.

(f) The minor's parent or guardian has been convicted of causing the death of another child through abuse or neglect.

(g) The minor has been left without any provision for support; or the minor's parent has been incarcerated or institutionalized and cannot arrange for the care of the minor; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent is unknown, and reasonable efforts to relocate the parent have been unsuccessful.

(h) The minor has been freed for adoption from one or both parents for 12 months by

either relinquishment or termination of parental rights or an adoption petition has not been granted.

(i) The minor has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the minor from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the minor was in danger of being subjected to an act or acts of cruelty.

(j) The minor's sibling has been abused or neglected as defined in subdivision (a),(b), (d),(e), or (i), and there is a substantial risk that the minor will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers

probative in determining whether there is a substantial risk to the minor.

Suspected Child Abuse Report (11166PC dated 1/4/88). "David called me through the exchange and reported his sister had been acting strange. This included hitting him and the two of them fighting - Although this left bruises on his arm the sequence of events are unclear. David thought his sister may have been high at the time". (Signed by Dr. Robert John Parsons, Ph.D., Clinical Director, Psychology, Pacific Clinics.)

"David's sick and has been in and out of Emergency Room" (County of Los Angeles Services Activity Log, Department of Children's Services, 4/30/87).

"CSW STILL HASN'T HEARD FROM MINORS OR THEIR SISTER!" (Department of Children's Services File 20, 7/29/87).

CAL.APP.3DIST.1985. WEST'S ANN.CAL.CIV.CODE 232, 232(a)(2). Finding of dependency under West's Ann.Cal.Welf.&Inst. Code **300(a)**

...Parent-child relationship can be permanently severed only in cases of demonstrable extreme neglect.